

No. 15947 /

United States
Court of Appeals
for the Ninth Circuit

NATIONAL LABOR RELATIONS BOARD,
Petitioner,
vs.

LAUNDRY, LINEN SUPPLY & DRY CLEAN-
ING DRIVERS, LOCAL 928, etc., et al.,
Respondents.

Transcript of Record

Petition for Enforcement of an Order of the
National Labor Relations Board

FILED

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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur.]

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NAMES AND ADDRESSES OF ATTORNEYS

THOMAS J. McDERMOTT,
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Washington 25, D. C.,
For the Petitioner.

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For the Respondents.

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United States of America
Before the National Labor Relations Board
Twenty-First Region

Case No. 21-CC-238

LAUNDRY, LINEN SUPPLY & DRY CLEAN-
ING DRIVERS LOCAL No. 928, Affiliated
With INTERNATIONAL BROTHERHOOD
OF TEAMSTERS, CHAUFFEURS, WARE-
HOUSEMEN AND HELPERS OF AMER-
ICA, AFL-CIO; and LOCAL No. 52, LAUN-
DRY & DRY CLEANING WORKERS IN-
TERNATIONAL, AFL-CIO,

and

SOUTHERN SERVICE COMPANY, LTD.

COMPLAINT

It having been charged by Mrs. Edwin Selvin, Labor Relations Consultant, acting for and on behalf of Southern Service Company, Ltd. (herein called Southern), that Laundry, Linen Supply & Dry Cleaning Drivers Local No. 928, affiliated with International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO (herein called Teamsters); and Local No. 52, Laundry & Dry Cleaning Workers International, AFL-CIO (herein called Laundry Workers), have engaged in and are engaging in certain unfair labor practices affecting commerce, as set forth and defined in the National Labor Relations Act, as amended. Public Law 101, 80th Congress,

First Session, herein called the Act; the General Counsel of the National Labor Relations Board, by the Regional Director for the Twenty-First Region, designated by the Board's Rules and Regulations, Series 6, as amended, Section 102.15, hereby issues this Complaint and alleges as follows:

1. Southern is a corporation organized and existing by virtue of the laws of California with its principal office in the City of Pomona, California, engaged in the laundry, dry cleaning and linen service business, operating various plants and establishments throughout Southern California, including one at Long Beach, California, under the fictitious name and style of Long Beach Linen Supply.

2. In the year 1955, Southern has purchased and caused to be shipped from points in states other than the State of California, to its establishments within the State of California, supplies and materials of a value in excess of \$500,000.

Southern is engaged in interstate commerce within the meaning of Section 2 (6) of the Act.

3. Respondents Teamsters and Laundry Workers are labor organizations within the meaning of Section 2 (5) of the Act.

4. In the course and operation of its business as set forth above, Southern regularly furnishes laundry and linen service and other services to customers, including Madsen's Restaurant, 1 American Avenue; Grisinger's Drive-Ins, 1632 Fourth

Street, and corner Atlantic Avenue and San Antonio Drive; and Jack's Corsican Room, 5430 East Second Street, all located at Long Beach, California.

5. Since prior to August 1, 1956, Respondents Teamsters and Laundry Workers have demanded that Southern recognize them as the collective bargaining representative of the employees of its Long Beach, California, plant.

6. Since on or about August 13, 1956, Respondents Teamsters and Laundry Workers, by their officers, agents and representatives, have picketed at various times, including but not limited to August 13 through August 17, and October 8 through the present, the premises of various customers of Southern, located in Long Beach, including but not limited to Madsen's Restaurant, Grisinger's Drive-Ins and Jack's Corsican Room, which picketing has included the entrances to the premises of the above-named employers used by employees of the above-named employers and employees of suppliers of the above-named employers, with picket signs carrying the following legend over Respondents' names:

Notice to the Public
This Establishment's Linens
Are Being Processed by a
Nonunion Laundry

7. By their picketing as set forth in paragraph 6 above, Respondents have engaged in and are en-

gaging in inducement or encouragement of employees of customers of Southern, including but not limited to Madsen's Restaurant, Grisinger's Drive-Ins and Jack's Corsican Room, and of their suppliers, shippers, wholesalers, transportation and delivery companies, to engage in strikes or concerted refusals in the course of their employment to perform services for their respective employers with the object of forcing and requiring customers of Southern, including but not limited to Madsen's Restaurant, Grisinger's Drive-Ins and Jack's Corsican Room, to cease using the products and services of Southern and to cease doing business with Southern and to force or require Southern to recognize or bargain with Respondents Teamsters and Laundry Workers as collective bargaining representative of Southern's Long Beach employees, although neither of the Respondents has been certified as such representative under the provisions of Section 9 of the Act.

8. By the acts and conduct as set forth above in paragraphs 6 and 7, and by each of them, Respondents Teamsters and Laundry Workers have violated and are now violating Section 8 (b), subsections (4) (A) and (B) of the Act.

9. The activities of the Respondents as set forth in paragraphs 5, 6, 7 and 8 above, and each of them, occurring in connection with the operations of Southern as set forth in paragraphs 1 and 2 above, have a close, intimate and substantial relation to

trade, traffic and commerce among the several states of the United States and tend to lead to labor disputes burdening and obstructing commerce and the free flow of commerce.

10. The activities of Respondents Teamsters and Laundry Workers as set forth in paragraphs 5, 6, 7 and 8 above, and each of them, constitute unfair labor practices affecting commerce within the meaning of Section 8 (b), subsections (4) (A) and (B), and Section 2, subsections (6) and (7) of the Act.

Wherefore, the General Counsel of the National Labor Relations Board, on behalf of the Board, by the Regional Director for the Twenty-First Region, this 13th day of November, 1956, issues this Complaint against Laundry, Linen Supply & Dry Cleaning Drivers Local No. 928, affiliated with International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO; and Local No. 52, Laundry & Dry Cleaning Workers International, AFL-CIO, Respondents herein.

[Seal] /s/ HENRY W. BECKER,
Regional Director, National Labor Relations Board,
Twenty-First Region.

Received in evidence as General Counsel's Exhibit No. 1-C, December 17, 1956.

United States of America
Before the National Labor Relations Board
Twenty-First Region

[Title of Cause.]

ANSWER

Respondent Locals 928 and 52 answer the Complaint as follows:

I.

Deny paragraphs 5, 7, 8, 9 and 10.

II.

Are without knowledge as to paragraphs 1 and 2 and on this ground deny them.

III.

Explain paragraph 6 as follows:

That they have for a number of years carried on a campaign to increase the usage of linen supply services of unionized laundries in order to increase the commission earnings of members of Laundry Drivers and to increase the employment opportunities of members of Laundry Workers. From time to time in the past several years, the two (2) Respondent Unions have engaged in peaceable picketing at the customer entrances of various restaurants and other retail establishments for the purpose of addressing an appeal to prospective customers to refrain from patronizing establishments using linen services furnished by nonunion laundries.

At various times on and after August 13, 1956, Respondents have caused the customer entrances

of Long Beach restaurants, including Madsen's Restaurant, Grisinger's Drive-In Restaurants, and Jack's Corsican Room, to be picketed by pickets carrying a sign substantially as alleged in this paragraph of the petition. Respondents are without knowledge as to whether the picketed customer entrances of the last named concerns are or were used by any persons other than the patrons of the restaurants, but assert that the sole and only appeal authorized by Respondents and carried out by their pickets has been an appeal to the owners and prospective customers. At no time have Respondents, directly or indirectly, sought to or have they or their pickets induced or encouraged the employees of said restaurants, delivery men seeking to deliver merchandise to said restaurants or the employees of any employer, to strike or refuse to perform any services in the course of their employment. Respondents deny that the picketing of the aforesaid restaurants was or is being conducted for the purpose of compelling Southern to recognize and bargain with them as the representative of Southern's Long Beach employees.

STEVENSON & HACKLER,

By /s/ CHARLES K. HACKLER,
Counsel for Respondents.

Duly verified.

Received November 27, 1956.

Received in evidence as General Counsel's Exhibit No. 1-F, December 17, 1956.

United States of America
Before the National Labor Relations Board
Division of Trial Examiners
Branch Office
San Francisco, California

[Title of Cause.]

PAUL E. WEIL, ESQ.,
For the General Counsel.

MRS. EDWIN SELVIN, of
Beverly Hills, Calif.,
For Southern.

STEVENSON AND HACKLER, by
CHARLES K. HACKLER, ESQ., of
Los Angeles, Calif.,
For the Respondents.

Before:

WALLACE E. ROYSTER, Trial Examiner.

INTERMEDIATE REPORT AND
RECOMMENDED ORDER

Statement of the Case

Upon a charge duly filed by Mrs. Edwin Selvin in behalf of Southern Service Company, Ltd., herein Southern, the General Counsel of the National Labor Relations Board, herein the Board, issued his complaint against Laundry, Linen Supply & Dry Cleaning Drivers Local No. 928, affiliated with International Brotherhood of Teamsters, Chauff-

feurs, Warehousemen and Helpers of America, AFL-CIO; and Local No. 52, Laundry & Dry Cleaning Workers International, AFL-CIO, herein the Respondents, alleging that they had violated and were violating Section 8 (b) (4) (A) and (B) of the National Labor Relations Act, 61 Stat. 136, herein the Act.

In respect to unfair labor practices, the complaint alleges that for a period in August, 1956, and since October 8 of that year the Respondents, by means of picketing, have induced and encouraged employees of customers of Southern and of suppliers to those customers to engage in strikes or concerted refusals in the course of their employment to perform services for their respective employers with the object of forcing and requiring such customers to cease using the services of Southern and to cease doing business with Southern and to force or require Southern to recognize or bargain with the Respondents as collective bargaining representative of certain of Southern's employees, although neither respondent has been certified as such representative pursuant to Section 9 of the Act.

Respondents' answer denies the commission of unfair labor practices, denies that it has demanded recognition of Southern, and asserts that the picketing had the sole purpose of inducing customers to refrain from patronizing certain restaurants in the Long Beach area.

Pursuant to notice a hearing was held before the undersigned in Los Angeles, California, on

December 17, 1956. All parties were represented and were permitted to examine and cross-examine witnesses and to offer evidence pertinent to the issues. No witnesses were called. The entire record consists of the transcript of testimony and exhibits offered and received in an action under Section 10 (1) of the Act in the United States District Court, Southern District of California, Central Division, on November 26, and December 3, 1956. The General Counsel and counsel for the Respondents presented argument on the record.

On the basis of the entire record in the case and in the light of the arguments advanced, I make the following:

Findings of Fact

I. The Business of Southern

The parties stipulated and I find that Southern is a California corporation with main offices in Pomona, California, operating approximately 30 laundries throughout California, including one in Long Beach called Long Beach Linen Supply. In 1955 Southern purchased and caused to be shipped to it from points and States other than the State of California linens, laundry, and dry cleaning supplies and equipment valued between \$500,000 and \$600,000. Because the picketing affected only a few of Southern's customers, Respondents argue that had it been completely successful and had Southern been deprived of the trade of these customers, the overall effect upon Southern's business would have

been so slight as to call into play the rule of de minimus. This argument is rejected. If Respondents' conduct, detailed below, was unlawful in terms of the Act and successful the anticipated effect upon the business of Southern in all its branches could be expected to have a substantial impact upon commerce.

II. The Function of the Respondents

Both Respondents are labor organizations, admitting to membership certain classifications of employees performing work for Southern.

III. The Alleged Unfair Labor Practices

For a number of years the Respondents have made unsuccessful attempts to organize employees of Southern, but at the time of the picketing, described below, no recent demand for recognition had been made upon Southern. Except to the extent that Southern's employees may have regarded the picketing of Southern's customers as inducement to join one of the Respondents, no active current organizing campaign is in effect.

Learning in late spring or early summer of 1956 that the State convention of the American Federation of Labor was scheduled to be held in Long Beach, the Respondents protested to the Central Labor Council in Long Beach that such a gathering of union officials would result in a substantial increase of business to employers in the area who were using the nonunion service of Southern. When

their protests did not succeed in having the convention moved to another city, the Respondents told representatives of Long Beach restaurants and officials of other labor organizations that for the period of the convention, pickets would be placed outside some or all restaurants in the area using Southern's linen service to advertise that fact and thus to encourage the visiting union representatives to refrain from patronizing such restaurants. In the meantime efforts were made to persuade Long Beach restaurants to switch their custom to linen service companies employing members of the Respondents. For the period of the convention, August 13 through 18, pickets were placed outside the customers entrances to about 15 Long Beach restaurants. The pickets each carried the following sign:

Notice to the Public. This Establishment's Linens
Are Being Processed by a Nonunion Laundry

All but four of the restaurants picketed had a separate entrance for employees and suppliers. No pickets were placed at such entrances. Madsen's restaurants had but one entrance and a picket patrolled before it. The picket also, walked between a sidewalk opening, through which supplies were delivered, and the curb. At Grisinger's Drive-Ins at two locations the pickets patrolled the drive-in entrances through which customers and others gained access to the restaurants. At Jack's Corsican Room, a night club, the picket patrolled before the single

entrance. No complaint is made concerning the picketing of restaurants having a separate employee entrance.

At the four restaurants mentioned in the complaint picketing took place only during those hours when business was at its height; at usual meal times. No picketing was done at the earlier hours when employees of the restaurants were reporting for work.¹ Deliveries were received, however, at no certain hours and in consequence employees of suppliers approached the restaurant entrances on occasion when pickets were present. On the first day of picketing Harley Schaefer, an employee of an ice cream company prepared to make a delivery at Madsen's when a driver for a bakery company suggested that Schaefer might be fined by his union if he did so. Schaefer left without making delivery. He then inquired of his employer and was told that he could do as he liked. Going finally to the office of his union he was told by someone² that he should not cross the picket line. Later in the week, however, coming somehow to the conclusion that it was permissible to do so, Schaefer crossed the picket line to make a delivery. Henry Nieto coming to the same

¹Except perhaps at one of the Grisinger drive-in restaurants. Pickets appeared there at least on the first day of picketing before some of the employees reported.

²Schaefer testified that he spoke to a man who had died 2 months before his visit. I consider this to be an honest mistake on the part of Schaefer and find that he spoke to someone at that office.

restaurant with an order of meat asked the picket if the strike was "official." Receiving no answer, Nieto made his delivery in the normal fashion. Allen Russell, a driver for a meat company, seeing the pickets at one of the Grisinger restaurants, drove around the block and approached the delivery point from the rear. From there he signalled the cook who came to the truck to get the meat. Russell followed this practice for the time that the picket line existed. Russell testified that he had been driving but a short time, that he was unsure of any consequence which might follow crossing the line, that he made no inquiry concerning the matter of his union, and that he just decided that the safest course was the one he chose to pursue. Before the picketing, Russell had driven his truck through one of the driveways used by customers. No pickets were stationed in the rear where he made the deliveries mentioned above. Edward Graham, an employee at the Grisinger drive-in restaurant where Russell delivered, testified that drivers of other suppliers were deterred by the sight of the picket line and left without making delivery. This occasioned no more than delay, however, for the drivers later returned and crossed the picket line. No employee of any of the restaurants failed to report for work or failed in any respect to perform duties for his employer because of the picketing.

All picketing stopped on August 18 but was resumed at Madsen's on October 8 and was continuing at the time of the hearing.

The General Counsel sees the picketing as an attempt to force recognition from Southern by the device of inducing and encouraging employees of neutral employers to cease performing services for their several employers in order that pressure to accomplish that end be brought upon Southern. He suggests that picketing at Southern's premises might be permissible but that by doing so at the restaurants supplied by Southern, the Respondents have departed from an appropriate site to a forbidden one.³ Implicit in the General Counsel's reasoning is the assumption that any picket line maintained by a labor organization constitutes an inducement to members of labor organizations not to cross it for any purpose.

Counsel for the Respondents has a different view of the matter. He asserts that the picketing had for an objective only the apparent one of persuading customers by a truthful presentation of facts to withhold their patronage from the picketed restaurants.

The facts of the case are simple, are not disputed in any important respect, and have been stated.

The restaurant operators either were notified beforehand or learned during the week of August 13 that the picketing was not directed to their employees. All labor organizations whose members worked in the restaurants or for suppliers to the

³Local Union 984, etc., 116 NLRB No. 227 and Local 657, etc., 115 NLRB 981.

restaurants had been notified that this was purely and simply an appeal for a consumer boycott.⁴ None of the restaurant employees refused to perform services for their employers and the few incidents of delay in receiving supplies are clearly attributable to an assumption, not warranted in my opinion, that the picket line was to be observed by them.

Because the Respondents openly stated the purpose of the picketing before it started; because drivers who questioned the propriety of crossing the picket lines quickly satisfied themselves that observance was not required; because the hours of picketing were coincident with the hours of meal service rather than with the hours when employees report for work or the hours when supplies were received; because employee and supplier entrances, where they existed, were not picketed; and because the entire conduct of the Respondents in respect to the picketing is rationally consistent with an object to induce a consumer boycott only, I find that no violation of the Act, as alleged, is here presented. Because I do not find the evidence to support the General Counsel's contention that the picketing constituted inducement or encouragement of restaurant employees or of employees of restaurant suppliers, the cases he relies on dealing with "common situs" situations have no bearing here and are not discussed.

⁴I consider that the Respondents are not chargeable for the erroneous instruction given Schaefer by some one purporting to speak for his union.

By reason of the conclusions reached above, it is recommended that the complaint be dismissed.

Dated this 23rd day of January 1957.

/s/ WALLACE E. ROYSTER,
Trial Examiner.

United States of America
Before the National Labor Relations Board

[Title of Cause.]

DECISION AND ORDER

On January 23, 1957, Trial Examiner Wallace E. Royster issued his Intermediate Report in the above-entitled proceeding, a copy of which Report is attached hereto, finding that the Respondents had not engaged and were not engaging in any unfair labor practices, and recommending that the complaint be dismissed in its entirety. Thereafter, the General Counsel filed exceptions to the Intermediate Report and a supporting brief.

Pursuant to the provisions of Section 3 (b) of the Act, the Board has delegated its powers in connection with this case to a three-member panel.

The Board has reviewed the rulings of the Trial Examiner made at the hearing and finds that no prejudicial error was committed. The rulings are hereby affirmed. The Board has considered the Intermediate Report, the exceptions and brief, and

the entire record in the case, and hereby adopts the Trial Examiner's findings of fact, except insofar as inconsistent with this opinion. However, we find, contrary to the Trial Examiner, that these facts establish that the Respondents have violated Section 8 (b) (4) (A) of the Act.

As set forth in greater detail in the Intermediate Report, for a number of years the Respondents have unsuccessfully sought to organize Southern's employees. In furtherance of this campaign, the Respondents told local restaurant owners and a number of other unions in the area that restaurants which refused to change from Southern's linen supply service to a union linen supply service would be picketed. Thereafter, those restaurants which continued to patronize Southern were picketed by the Respondents with signs stating: 118 NLRB No. 193.

Notice to the Public

This Establishment's Linens Are Being Processed
By A
Nonunion
Laundry¹

The picket lines were withdrawn from those restaurants which agreed to change to a union linen service.

On these facts there can be no doubt, and the Respondents do not dispute, that an object of the

¹On December 5, 1956, the first line of the picket sign was changed to read "Notice to Patrons."

picketing was to force or require the restaurants to cease doing business with Southern. Nor is there any question that the Respondents sought to effectuate that object by means of picketing at the premises of secondary employers, the restaurants, and without regard to the presence or absence of Southern's employees, rather than by means of picketing at the premises of the primary employer, Southern.² It is well settled that picketing directed to employees at such locations violates Section 8 (b) (4) (A) of the Act.³ However, the Respondents contend, and

²The Respondents' contention that the picketing was carried on partly in furtherance of a primary labor dispute with the restaurants, on the ground that the Respondents sought to obtain bonuses for the driver-salesmen working for unionized linen services by inducing the picketed restaurants to give them new business, is plainly without merit. It is patent from the record that the Respondents did not represent nor seek to represent the employees of the restaurants. *Fehr Baking Co. v. Bakers' Union*, 20 F. Supp. 691, 692-694, 696 (W. D. La.); *Bright v. Pittsburgh Musical Society*, 108 A. 2d 810, 813-814, 379 Pa. 335. Rather, the Respondents' contention constitutes further evidence that its object was to compel the restaurants to cease doing business with Southern, as prescribed by Section 8 (b) (4).

³*Truck Drivers & Helpers Local Union No. 728, International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, AFL (National Trucking Co.)*, 111 NLRB 483, enforced, 228 F. 2d 791 (C.A. 5); *Commission House Drivers, Helpers and Employees Local No. 400, International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, AFL-CIO (Euclid Foods Incorporated)*, 118 NLRB No. 17; and cases cited therein.

the Trial Examiner found, that such picketing did not constitute inducement or encouragement of employee action, within the meaning of Section 8 (b) (4), but rather looked only to persuading customers by a truthful presentation of facts to withhold their patronage from the picketed restaurants. We do not agree.

The picketing at Madsen's Restaurant and at the 2 Grisinger Drive-Ins took place at entrances normally used by restaurant employees and employees of suppliers, as well as by patrons of the restaurants. This required the restaurant employees to work behind the picket lines and employees of suppliers to cross the picket lines in order to make deliveries. But as we have repeatedly pointed out, such a picket line necessarily invites employees to refrain from working behind it irrespective of the literal appeal of the legends on the picket signs.⁴ That such is the understanding of employees confronted with a picket line is shown by the response to the pickets set up by the Respondents here. Although the words on the picket sign did not request any employees to cease work, some of the restaurant employees and deliverymen made in-

⁴Dallas General Drivers, Warehousemen & Helpers, Local No. 745, AFL-CIO (Associated Wholesale Grocery of Dallas, Inc.), 118 NLRB No. 165; Knit Goods Workers Union, Local 155, International Ladies' Garment Workers' Union, AFL-CIO (James Knitting Mills, Inc.), 117 NLRB No. 196; Knitgoods Workers Union, Local 155 International Ladies' Garment Workers' Union, AFL-CIO (Packard Knitwear, Inc.), 118 NLRB No. 71.

quiries as to whether the signs so implied; several of the deliverymen delayed making their deliveries; one deliveryman, who testified, "As far as I know, I am not supposed to cross a picket line," refused to make his delivery, which the supplier later made by a special deliveryman; and another changed his method of making delivery, in part by requiring restaurant employees to pick up meat from his truck parked on the premises instead of bringing it into the restaurant himself, so as to avoid crossing the picket line. The unsuccessful efforts of one deliveryman who made his delivery, to find out from a picket and from his union whether "the strike" or 'this picketing' was official," indicate that if they were "official" he would not cross the picket line regardless of its ostensible purpose.⁵

For the foregoing reasons, we find that by picketing the restaurants of secondary employers at entrances customarily used by restaurant employees and employees of suppliers, for the purpose of forcing the restaurants to cease doing business with Southern, the Respondents induced and encouraged such employees to engage in a strike or a concerted refusal to work, and therefore violated Section 8 (b) (4) (A).⁶ The fact that the picketing

⁵We also note that 2 suppliers telephoned Grisinger that they could not make delivery because there was a picket line, and that 1 of them told Madsen that its employees did not want to cross that line.

⁶The General Counsel contends that the picketing also violated Section 8 (b) (4) (B) because it had

might also have had as an object an appeal to members of the consuming public cannot serve as a defense to conduct which also involved inducement of employee action with a proscribed object. Associated Wholesale Grocery, *supra*.

Order

Upon the entire record in this case, and pursuant to Section 10 (c) of the National Labor Relations Act, as amended, the National Labor Relations Board hereby orders that the Respondents, Laundry, Linen Supply & Dry Cleaning Drivers Local No. 928, affiliated with International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO; Local No. 52, Laundry & Dry Cleaning Workers International, AFL-CIO; and their officers, representatives, agents, successors, and assigns, shall:

1. Cease and desist from inducing or encouraging employees of any employer, other than Southern

as an object forcing or requiring Southern to recognize and bargain with Respondents, which are not the certified representatives of Southern's employees. Since the Trial Examiner found that "no recent demand for recognition had been made upon Southern," to which finding the General Counsel does not except; since the record contains testimony which may amount to a denial of testimony by Southern's president that the Laundry Workers' secretary sought to "meet with" him; and since the order issued here will remedy any conduct violative of Section 8 (b) (4) (B), we shall dismiss that portion of the complaint without passing on its merits.

Service Company, Ltd., to engage in a strike or concerted refusal in the course of their employment to use, manufacture, process, transport, or otherwise handle or work on any goods, articles, materials, or commodities, or to perform any services, where an object thereof is to force or require any employer or other person to cease using, selling, handling, transporting, or otherwise dealing in the products of Southern Service Company, Ltd., or to cease doing business with that company.

2. Take the following affirmative action, which the Board finds will effectuate the policies of the Act:

(a) Post at their offices and meeting halls in Long Beach, California, copies of the notice attached hereto as an appendix.⁷ Copies of said notice, to be furnished by the Regional Director for the Twenty-first Region, shall, after being duly signed by the Respondents' representatives, be posted by them immediately upon receipt thereof, and be maintained by them for sixty (60) consecutive days thereafter in conspicuous places, including all places where notices to their members are customarily posted. Reasonable steps shall be taken by the Respondents to insure that said notices are not altered, defaced, or covered by any other material;

⁷In the event this Order is enforced by a decree of a United States Court of Appeals, the notice shall be amended by substituting for the words "Pursuant to a Decision and order," the words "Pursuant to a decree of the United States Court of Appeals, Enforcing an Order."

(b) Mail to the Regional Director for the Twenty-first Region signed copies of the notice attached hereto as an appendix for posting at the following restaurants in Long Beach, California, in places where notices to their employees are customarily posted, if the owners of such restaurants are willing to do so: Madsen's Restaurant; Grisinger's Drive-In Restaurant at 4390 Atlantic Boulevard; and Grisinger's Drive-In Restaurant at 1632 East Fourth Street;

(c) Notify the Regional Director for the Twenty-first Region, in writing, within ten (10) days from the date of this Order as to what steps it has taken to comply herewith.

It Is Further Ordered that the complaint be, and it hereby is, dismissed insofar as it alleges that Respondents have violated Section 8 (b) (4) (B) of the Act.

Dated, Washington, D. C., Sept. 25, 1957.

[Seal]

NATIONAL LABOR
RELATIONS BOARD,

.....,
PHILIP RAY RODGERS,
Member;

.....,
STEPHEN S. BEAN,
Member;

.....,
JOSEPH ALTON JENKINS,
Member.

Appendix

Notice to Members and All Employees
Pursuant to
A Decision and Order

of the National Labor Relations Board, and in order to effectuate the policies of the National Labor Relations Act, as amended, we hereby notify our members and all employees that:

We Will Not induce or encourage employees of any employer other than Southern Service Company, Ltd., to engage in a strike or concerted refusal in the course of their employment to use, manufacture, process, transport, or otherwise handle or work on any goods, articles, materials, or commodities, or to perform any services, where an object thereof is to force or require any employer or other person to cease using, selling, handling, transporting, or otherwise dealing in the products of Southern Service Company, Ltd., or to cease doing business with that company.

LAUNDRY, LINEN SUPPLY & DRY CLEAN-
ING DRIVERS LOCAL No. 928, Affiliated
With INTERNATIONAL BROTHERHOOD
OF TEAMSTERS, CHAUFFEURS, WARE-
HOUSEMEN & HELPERS OF AMERICA,
AFL-CIO,

(Labor Organization.)

Dated.....

By,
Representative.

LOCAL No. 52, LAUNDRY & DRY CLEANING
WORKERS INTERNATIONAL, AFL-CIO,
(Labor Organization.)

Dated.....

By,
Representative.

This notice must remain posted for 60 days from the date hereof, and must not be altered, defaced, or covered by any other material.

Before the National Labor Relations Board
Twenty-First Region

Case No. 21-CC-238

LAUNDRY, LINEN SUPPLY & DRY CLEAN-
ING DRIVERS LOCAL No. 928, Affiliated
With INTERNATIONAL BROTHERHOOD
OF TEAMSTERS, CHAUFFEURS, WARE-
HOUSEMEN AND HELPERS OF AMER-
ICA, AFL-CIO; and LOCAL No. 52, LAUN-
DRY & DRY CLEANING WORKERS IN-
TERNATIONAL, AFL-CIO,

and

SOUTHERN SERVICE COMPANY, LTD.

TRANSCRIPT OF PROCEEDINGS

Los Angeles, California—December 17, 1956.

Pursuant to notice, the above-entitled matter came on for hearing at 10:00 o'clock a.m.

Before: Wallace E. Royster,
Trial Examiner.

Appearances:

PAUL E. WEIL, ESQ.,
111 West Seventh Street, Los Angeles,
California, Appearing on behalf of the
General Counsel.

MRS. EDWIN SELVIN,
2640 Benedict Canyon Drive, Beverly
Hills, California, Appearing on Behalf
of Southern Service Company, Ltd.

STEVENSON & HACKLER, by
CHARLES K. HACKLER, ESQ.,
846 South Union Avenue, Los Angeles,
California, Appearing on Behalf of
Locals Nos. 928 and 52.

* * *

Mr. Weil: Mr. Examiner, pursuant to agreement with respondent's counsel, I would like to offer as General Counsel's Exhibit 2, four various bound documents, which are Vols. I and II of the Reporter's Transcript of Proceedings in case No. 20668 WB Civil before the United States District Court, Southern District of California, Central Division, Honorable William M. Byrne, Judge Presiding, which was the injunction proceeding in the instant case.

I wish to offer the transcript, Volumes I and II, Petitioner's Exhibits 1 through 6, and Respond-

ent's Exhibits A through K, which formed the entire and complete transcript of the proceedings before the Court.

Trial Examiner: That is the entire record?

Mr. Weil: That is the entire record.

Trial Examiner: Do you join in that request for admission, Mrs. Selvin?

Mrs. Selvin: Yes.

Mr. Hackler: So do I.

Trial Examiner: General Counsel's Exhibit 2 is received as offered.

(Thereupon the documents above referred to were marked General Counsel's Exhibit No. 2 for identification and received in evidence.)

Mr. Weil: Furthermore, in agreement with counsel, I wish to offer a stipulation that the picket sign which was alleged in the complaint to read "Notice to the Public," and "This establishment's linens are being processed by a nonunion laundry," carried precisely that language until December 5, 1956, on which date the picket sign was changed to read "Notice to Patrons. This establishment's linens are being processed by a nonunion laundry."

Trial Examiner: Agreeable.

Mr. Hackler: So stipulated.

Trial Examiner: Do you join in that?

Mrs. Selvin: Yes.

Trial Examiner: The stipulation is noted.

Mr. Weil: General Counsel has no other further or additional evidence he wishes to offer at this time and therefore rests.

Trial Examiner: Do you have anything to offer?

Mrs. Selvin: No.

Trial Examiner: Anything, Mr. Hackler?

Mr. Hackler: I have nothing further to offer other than to see that the record is clear that we are stipulating that the transcript may be considered by the Trial Examiner as if the same witnesses were sworn, examined, cross-examined, as indicated in the transcript, and the same exhibits identified and received, and, so far as I know, I have no further objections to make other than those that were made and I am willing to abide by the rulings of the District Judge.

Trial Examiner: Is that your understanding?

Mr. Weil: Yes.

Mrs. Selvin: Yes.

Mr. Hackler: We are offering it in lieu of testimony and exhibits on both sides.

Trial Examiner: All right.

Mr. Hackler: So stipulated.

Mr. Weil: So stipulated.

Mr. Hackler: We have nothing further to offer.

* * *

Received December 31, 1956.

GENERAL COUNSEL'S EXHIBIT No. 2

In the United States District Court, Southern
District of California, Central Division
No. 20668-WB

HENRY W. BECKER, Regional Director of the
Twenty-First Region of the National Labor Re-
lations Board, for and on behalf of the Na-
tional Labor Relations Board,

Petitioner,

vs.

LAUNDRY, LINEN SUPPLY & DRY CLEAN-
ING DRIVERS LOCAL No. 928, Affiliated
with International Brotherhood of Teamsters,
Chauffeurs, Warehousemen and Helpers of
America, AFL-CIO; and Local No. 52, Laundry
& Dry Cleaning Workers International, AFL-
CIO,

Respondents.

Honorable William M. Byrne, Judge, Presiding.

REPORTER'S TRANSCRIPT
OF PROCEEDINGS

Los Angeles, California—Monday, Nov. 26, 1956

* * *

Mr. Weil: * * * I wish at this time, your Honor,
to propose the following stipulation, which counsel
for respondents has agreed upon with me.

May it be stipulated that Southern Services, Inc.,
a California corporation with its main offices in

General Counsel's Exhibit No. 2—(Continued)

Pomona, California, operating some 30 laundries throughout California, including one in Long Beach, California under the name and style of Long Beach Linen Supply, purchased and caused to be shipped to it from points and states other than the State of California, in the year 1955, linens, laundry and dry cleaning supplies and equipment valued between \$500,000 and \$600,000?

This stipulation is without prejudice to respondents contending that the alleged unfair labor practices do not affect commerce within the meaning of the Act, or prevent the offering of additional noncontradictory evidence on the [9*] subject of commerce.

Mr. Hackler: So stipulated. [10]

* * *

CHARLES R. GOLDSTEIN

called as a witness by and on behalf of the petitioner, having been first duly sworn, was examined and testified as follows:

The Clerk: Be seated, sir, and give us your full name.

The Witness: Charles R. Goldstein.

Direct Examination

By Mr. Weil:

Q. Mr. Goldstein, what is your address?

A. 10027 Roxbury Place, Los Angeles.

*Page numbering appearing at top of page of original Reporter's Transcript of Record.

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Charles R. Goldstein.)

Q. Are you the Charles Goldstein who is the secretary of Local 52 of the Laundry & Dry Cleaning Workers? A. I am.

Q. As secretary of Local 52, are you on the editorial board of the publication of Local 52, which is known as Local 52? A. Yes, sir.

Q. What are your duties on that editorial board, Mr. Goldstein?

A. I assist the editor in composing the paper, more in an advisory capacity. I don't write the editorials myself.

Q. Is the matter contained in that paper the position of the union, of the local?

A. Yes, sir. [15]

The Clerk: Petitioner's Exhibit 1 marked.

(The exhibit referred to was marked as Petitioners' Exhibit No. 1 for identification.)

Q. (By Mr. Weil): Showing you Petitioner's Exhibit 1, Mr. Goldstein, I will ask you if that is a copy of one issue of that paper of Local 52?

A. It is.

Q. Do you know whether that issue was distributed at about the time which appears on the upper right-hand corner of the first sheet, in other words, August and September, 1956?

A. That was the date that the paper was issued.

Q. Mr. Goldstein, has Local 52 been carrying on an organizing drive at Southern Services during the last year? A. An organizing drive?

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Charles R. Goldstein.)

Q. Yes.

A. With the employees of the Southern Services?

Q. Yes, that's right. A. No, sir.

Q. It has not? A. No, sir.

Q. I will ask you to refer to the headline immediately below the picture appearing on the issue of the Local 52 paper which you have in your hand, Petitioner's Exhibit No. 1, and ask you to what that headline refers. [16]

A. I think this refers to our advertising picket program.

Mr. Weil: Your Honor, I would like to offer Petitioner's Exhibit No. 1 in evidence at this time.

The Court: It will be received.

(The exhibit referred to was received in evidence and marked as Petitioner's Exhibit No. 1.)

PETITIONER'S EXHIBIT NO. 1

Vol. 10, No. 7—Los Angeles—Aug., Sept., 1956.

Local 52.

Laundry and Dry Cleaning Workers International Union.

Union Hits to Extend Laundry Workers 8-Hour Day.

Southern Service Organizing Drive Scores Big Advances.

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Charles R. Goldstein.)

The Joint Teamsters, Laundry Workers, Engineers and Machinists organizing campaign on Southern Service Laundries paid big dividends during the recent State Federation of Labor Convention in Long Beach.

An intensified organizing drive was put on during the convention which moved an estimated \$10,000 worth of monthly business from Southern Service into union laundry and linen supply houses.

Delegates to the convention were apprised in advance by means of letters that hotels, motels, restaurants, etc., purchasing linen from anti-union chain firm would have advertising lines.

At the same time thousands of window cards were placed in firms purchasing their linens from union plants and delegates were urged to patronize them.

Miniature sewing kits asking delegates to help the four unions sew up Southern Service were distributed to delegates as well as a complete list of all firms owned by the Southern Service chain.

As a result of this determined effort, literally scores of barber shops, restaurants, bars, motels and other establishments using nonunion laundry and linen service moved their patronage to union firms.

Spokesmen for the four unions declared that the drive was being continued after the convention and

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Charles R. Goldstein.)

would not be discontinued until union wages, hours and working conditions were won for the people employed by Southern Service plants.

Q. (By Mr. Weil): Has Local 52 engaged in a campaign at any time to organize any of the employees of Southern Services?

A. Yes, some time back in 1939 and intermittent periods since that time, but nothing in the last year that I recall.

Q. Was there any organizing attempt since 1950?

A. Well, there could have been.

Q. Have you been connected with Local 52 since 1950? A. Yes.

Q. At all times? A. Yes.

Q. Have you been the secretary of Local 52 during all that time? A. Yes, sir.

Q. If Local 52 had engaged in an organizing campaign during that time, would you have been aware of the fact? A. Oh, yes.

Mr. Hackler: Just a moment, Mr. [17] Goldstein.

I object to the use of the words "organizing campaign" as entirely too vague and uncertain as to what counsel means.

He could ask him what they may have done.

The Court: The objection is overruled. He has answered. He apparently understands what it means.

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Charles R. Goldstein.)

You can clear it up on cross-examination.

The Clerk: Petitioner's Exhibit No. 2.

(The exhibit referred to was marked as Petitioner's Exhibit No. 2 for identification.)

Q. (By Mr. Weil): Showing you Petitioner's Exhibit No. 2 for identification, Mr. Goldstein, is that one of the issues of Local 52's newspaper?

A. It is.

Q. Can you tell me whether that issue was distributed on or about June, 1954, the date which it bears?

A. Distributed to what people?

Q. To any people.

A. This paper is only distributed to our membership.

Q. Well, was the paper distributed to your membership on or about the date which it bears?

A. Yes, I would say so.

Mr. Weil: I would like to offer Petitioner's Exhibit 2 for identification at this time, your Honor.

Mr. Hackler: No objection.

The Court: It will be received. [18]

(The exhibit referred to was received in evidence and marked as Petitioner's Exhibit No. 2.)

The Clerk: Petitioner's Exhibit 3.

(The exhibit referred to was marked as Petitioner's Exhibit No. 3 for identification.)

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Charles R. Goldstein.)

Q. (By Mr. Weil): Showing you Petitioner's Exhibit 3 for identification, Mr. Goldstein, was that an issue of the Local 52 newspaper? A. Yes.

Q. Can you tell me whether that issue of the newspaper was distributed to your members on or about October, 1952, the date which it bears?

A. I would say so.

Mr. Weil: I would like to offer Petitioner's Exhibit No. 3 for identification in evidence.

Mr. Hackler: No objection.

The Court: It will be received.

(The exhibit referred to was received in evidence and marked as Petitioner's Exhibit No. 3.)

Q. (By Mr. Weil): Mr. Goldstein, are you also secretary of an organization known as the Southern Service Organizing Committee?

A. I am the officer of this committee. I am the committeeman.

Q. Are you the secretary? [19]

A. Yes, sir.

Q. Tell me who comprises—who are the members of this committee?

A. Well, I just can't tell you offhand. I would have to see the literature, because there has been some changes I think.

The Clerk: Petitioner's Exhibit No. 4.

(The exhibit referred to was marked as Petitioner's Exhibit No. 4 for identification.)

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Charles R. Goldstein.)

Q. (By Mr. Weil): Can you tell me, Mr. Goldstein, when the Southern Service Organizing Committee was first organized?

A. That would be difficult for me to say. It is organized and has been organized, but when, I just cant' say.

Q. Was it within the last year?

A. We have had the Southern Service Organizing Committee, I would say, probably two or three years.

Q. Is Local 52 a member of that committee?

A. Yes, sir.

Q. Is the Laundry & Dry Cleaning Drivers Local No. 928 a member of that committee?

A. They are.

Q. Handing you Petitioner's Exhibit No. 4 for identification, I will ask you to look at that, Mr. Goldstein; is that a letterhead of the organizing committee? [20]

A. It is.

Q. Was that letter distributed by the organizing committee?

A. Yes, it could have been, yes.

Q. Do you know whether it was?

A. No, I can't say for sure, but I think it was.

Q. Who in the organizing committee has the authority to make up and distribute letters such as that?

A. The committee itself. It wouldn't be any one individual.

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Charles R. Goldstein.)

Q. Do you mean any member of the committee?

A. Any one of the group.

Q. What group?

A. The ones that are affiliated with the committee, Teamsters, or the Engineers, the Laundry Workers; it all depends who the circular would be referred to.

Q. Mr. Goldstein, you will note a list of unions on the side of that document. A. Yes.

Q. Are those all of the present constituent members of that committee? A. Yes, sir.

Q. Can you tell me why the committee was formed?

A. Well, this committee has been formed—we have had committees on and off since 1942 that I know of. [21]

Q. Can you tell me why the committee was formed?

A. It was formed for the purpose of organizing the Southern Service Laundries.

Q. And what do you mean by organizing the Southern Service Laundries?

A. To have the people affiliate with our organizations.

Q. Do you mean to cause the employees of Southern Services to join the constituent unions on that committee? A. Of course. [22]

* * *

Q. By Mr. Weil: Mr. Goldstein, was the or-

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Charles R. Goldstein.)

ganizing committee formed in order to organize the employees at Southern Service?

A. Of course. [24]

* * *

Mr. Weil: I offer Petitioner's Exhibit 4 for identification.

Mr. Hackler: No objection.

The Court: It will be received.

(The exhibit referred to was received in evidence and marked as Petitioner's Exhibit No. 4.)

* * *

Cross-Examination

By Mr. Hackler: [25]

* * *

Q. Did you have anything to do with formulating that program of customer advertising?

A. Yes, sir.

Q. Just tell the court briefly how that came about, if there was some committee you dealt with or where the program started.

A. The way that came about, we had an experience with a laundry here in the city, I think it was the Bristol Laundry, as I recall, and we organized their people, and they threatened to discharge their people, and we were fearful of taking them out on strike because of that, so we proceeded on this program of publicizing the various agencies

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Charles R. Goldstein.)

that they serve. We started out with little cards. We said, "This establishment's laundry is being serviced by a nonunion establishment." They were small cards. We started that back in '45 or '44, I don't recall.

Q. Where was that card distributed?

A. Well, it was distributed in the front of the establishment. [26]

* * *

Q. Mr. Goldstein, you were asked several questions here about whether you had attempted any organizing campaign at various times involving the Southern Services Laundry; you are familiar in a general way with that laundry and its various affiliates, is that correct? A. I am.

Q. You understand it has some 30 separate laundries [31] scattered over Southern California, from San Diego on upwards of here? A. Yes.

Q. And it is to your knowledge a nonunion laundry, is it not? A. That's right.

Q. Is it one of the larger nonunion laundries remaining in the area?

A. Well, I think it is the largest. I am not sure, but I think it is.

* * *

Q. With respect to the organizing campaign that counsel asked you about, I want to call your attention, again, to these publications of your union; I take it that these publications that he identified,

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Charles R. Goldstein.)

they are Petitioner's Exhibits 1 [32] and 2 and 3, that those go to your members, is that correct?

A. That's right.

Q. As a part of their membership they get a copy of the periodic publication of the union?

A. That's right.

Q. Are they distributed other than to unions?

A. I doubt it. I don't think so. It may have been a few years back, but I doubt it.

Q. Actually, as a part of the man's membership, he goes on the mailing list for the publication called Local 52, does he not?

A. That is right. We have over 5,000 members, and we only print about 5,000.

Q. I would like to call your attention to certain things in these publications, starting with Petitioner's 1. I direct your attention in Petitioner's 1 to the article in the center of the page. First I will ask you, that bears the date of August-September, 1956?

A. Yes.

Q. Is it a fact that this publication came out after the recent picketing that was carried on in Long Beach during the Federation convention there?

A. I took sick about that time, so I can't say for sure, but it may have.

Q. All right. Let me ask you this: I want to direct [33] your attention to the following words appearing in the third paragraph of that article—

A. Is that on the first page?

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Charles R. Goldstein.)

Q. Yes, bottom of the page, where it reads, "Delegates to the convention were apprised in advance by means of letters that hotels, motels, restaurants, et cetera, purchasing linen from anti-union chain firm would have advertising lines."

Does that have reference to the advertising picket line you have been describing to us?

A. That's right.

Q. And to your knowledge is that a true statement, that delegates to the convention and their unions were told in advance that this kind of an advertising picket line would be placed by your union at restaurants in the Long Beach area?

A. That is a true statement.

Q. Was it your purpose in so doing to inform them as prospective patrons, that is, the delegates to the convention, that these particular restaurants were not 100 per cent unionized?

A. That's right.

Q. Reading from the same article, it states:

"At the same time, thousands of window cards were placed in firms purchasing their linens from Union plants and delegates were urged to patronize [34] them."

To your knowledge, was that done prior to the convention?

A. I can't say, because I took sick, but that was part of the program, we were going to have these signs printed, so these establishments, those that were serviced by union operators, would be distin-

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Charles R. Goldstein.)

guished from those that are not being serviced by union operators, so the delegates can give their patronage to these establishments.

* * *

Q. Drawing your attention now to Petitioner's Exhibit 2, which is an issue of your local paper, bearing the date of June, 1954, I want to call your attention to the fifth paragraph of that article—strike that—to the fourth paragraph [35] where it says:

“Secretaries of the two locals report that the drive will be particularly directed at Southern Service Laundries which operate in the Los Angeles area as Blue Bird and Blue Seal and in Long Beach as Marine and Ideal Laundries. This corporation, they report, is the last major non-union hold-out in Southern California.”

To your knowledge, that is a true statement, is it?

A. That is true. [36]

* * *

Q. What establishments was it determined to place the pickets at?

A. Advertising pickets?

Q. Yes.

A. The establishments that are being serviced by the Southern Service Linen Supply Company.

* * *

Q. Is it true that before the coming of the con-

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Charles R. Goldstein.)

vention, that your union and the Teamsters' laundry drivers local protested the bringing of the convention to Long Beach?

A. That is true.

Q. Where did you make that protest?

A. That protest was made to the State Federation of Labor.

Q. What was the ground of your protest?

A. That a number of these establishments were being serviced by the Southern Service, and we felt that the State Federation of Labor should be brought to some other city than Long Beach because of it. [44]

Q. Did you also protest to the Central Labor Council of Long Beach against bringing the convention there?

A. That's right.

Q. I take it the convention was held, nevertheless, was it not?

A. That's right.

* * *

Q. Were a number of these restaurants that were to be picketed, and were picketed, were they under contract, so far [45] as their own employees, to the Bartenders Union and the Culinary Union?

A. Oh, yes, most of them I would say. [46]

* * *

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Charles R. Goldstein.)

Redirect Examination

By Mr. Weil: [49]

* * *

Q. Isn't it a fact that the campaign at the present time is directed solely at Southern Service?

A. At the present time I would say yes. [51]

* * *

LOUIS MADSEN

called as a witness by and on behalf of the petitioner, having been first duly sworn, was examined and testified as follows:

The Clerk: Be seated, please, and give us your full name.

The Witness: Louis Madsen.

* * *

Direct Examination

By Mr. Weil:

Q. Give us your address, please.

A. No. 1 American Avenue.

Q. What is located at that address?

A. At Long Beach. A restaurant.

Q. Do you operate this restaurant?

A. I do.

Q. Would you describe that restaurant, please, the [55] situation on the corner?

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Louis Madsen.)

A. It is situated on the corner of Ocean Boulevard and American Avenue. There is approximately 38 feet on Ocean Boulevard and about 50 feet to 55 feet on American Avenue. The entrance is on the corner.

Q. What is behind your restaurant?

A. The restaurant is located inside the hotel, and the hotel lobby is on one side, and the hotel office is on the American Avenue side.

Q. Is there a direct entrance from the restaurant into the hotel?

A. There is a direct entrance—not from the restaurant, only from the street.

Q. Do you have any other doors other than the one on the corner?

A. We have a door on the American Avenue side, it is about approximately 45 to 50 feet from the corner, and that door is used for emergency in case of fire, and for removal of trash only.

Q. Are any deliveries of any type of goods made through that door?

A. No deliveries, no entrance or egress by employees.

Q. How are your deliveries of large materials made to your restaurant?

A. On the American Avenue side a short distance from [56] the corner there is a chute through the sidewalk. The deliveries are made through that chute.

Q. Is the chute covered?

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Louis Madsen.)

A. The chute has a metal two-door cover. It has to be opened by hand.

Q. When the chute is closed, does that become part of the sidewalk then?

A. It is part of the sidewalk.

Q. Are all deliveries of all merchandise made through that chute?

A. All deliveries except small parcels.

Q. Where are small parcels delivered?

A. Through the front door.

Q. When a delivery is made through that chute, is there any occasion for the delivery man to come into the restaurant?

A. Yes, sir, he has to come into the restaurant to have the merchandise checked and the ticket signed for.

Q. What door does he use?

A. He uses the front door or climbs the ladder down the chute, on the side of the chute.

Q. Has your restaurant been picketed?

A. Yes.

Q. Can you tell me when your restaurant was picketed first?

A. It started—I don't remember the dates, but it [57] started early in August and has continued, except for recently, it has continued during meal times and not on holidays.

Q. What hours of the day, specifically, does the picketing take place now?

A. Monday through Friday.

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Louis Madsen.)

Q. What hours of the day?

A. Usually between 8:00 and 9:30 in the morning, at 12:00 noon to 2:00 in the afternoon, and 5:00 to 6:00 in the evening.

Q. What route do the pickets walk, if they walk around your restaurant?

A. On American and Ocean Boulevards back and forth around the corner.

Q. Do they walk the full length of the restaurant on both streets?

A. Sometimes. I never checked that. I do know that the greater part, window part of the restaurant has been covered by the pickets.

Q. How far down on American Avenue do the windows go?

A. It goes about 38 to 40 feet.

Q. And on Atlantic?

A. About 20 to 22 feet—you mean Ocean Boulevard?

Q. I mean Ocean Boulevard. I am sorry. Are your employees represented by any union?

A. Yes, represented by the local Culinary Union in conjunction [58] with the Restaurant Association, of which we are a member.

* * *

Q. Do you have linen service supplied to your restaurant? A. Yes.

Q. By whom?

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Louis Madsen.)

A. Southern Cross Service—no. Southern Service.

Q. For how long have you been getting your linens from Southern Service?

A. A little over four years.

Q. Have you had any conversations with any agents of either Local 52 of the Laundry Workers or Local 928 of the Teamsters Union?

A. I don't know what local they belong to. I had a conversation with one man, representing himself as Mr. Leggieri, who claimed he represented them, and I have had conversations with our own local representatives who asked me to change my service.

Q. Did Mr. Leggieri give you his card?

A. Yes.

Q. When was that conversation? [59]

A. That was the very latter part of July or early in August, prior to a union delegate convention that was being held in Long Beach.

Q. Where did this conversation take place?

A. In my restaurant on the main floor.

Q. Did anyone else take part in the conversation other than you and Mr. Leggieri?

A. No one else.

Q. Was there anyone else with either of you that would have been a part of the conversation or would have heard the conversation? A. No.

Q. Will you tell us what was said by both you and him during this conversation?

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Louis Madsen.)

A. I was told to change to a union laundry or subject myself to being picketed. I was advised in the same conversation that if I am picketed, I will lose lots of revenue, because there is a local delegate convention coming into Long Beach and they will not cross a picket line. And I told him, in answer, that I am an American citizen, I still have a few rights, and I will exercise them to the best of my ability, and I will continue doing service with this particular laundry.

Q. Was there any more to the conversation that you can recall? [60]

A. Well, it was merely back and forth; him advising me to change because of the loss of revenue, and I told him that I would just have to stand the consequences.

Q. During the picketing of your restaurant, did the pickets walk across this chute on the sidewalk?

A. During the early stages of the picketing they walked very close to the window, within inches, back and forth, and around the corner, and couldn't help but walk over that chute.

Q. Has that changed?

A. The recent picketing has been limited to strictly on the sidewalk away from the building, a reasonable distance from the building.

Q. Does the recent picketing still cross in front of that chute, between that and the curb?

A. No, because the chute is close to the build-

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Louis Madsen.)

ing and the picket is walking several feet from the chute.

Q. Does the picketing cross between the chute and the curb? A. Yes.

Q. Does it continue on behind, northward from the chute toward the rear door of the entrance?

A. Yes.

Q. Did the picketing that was conducted have any effect on the inflow of supplies and materials to your restaurant [61] to your knowledge?

A. On several occasions it has.

Q. What effect did it have?

A. Well, I received calls from some of the purveyors telling me they cannot deliver because a picket is in front of our place.

Q. Can you tell me specifically what purveyors may have called you or did call you?

A. R. C. Griffith.

Q. What is R. C. Griffith?

A. It is a meat purveyor. Carnation Company, ice cream purveyor.

Mr. Hackler: What was the last?

(Record read by the reporter.)

Q. (By Mr. Weil): Do you recall any others?

A. Douglas Bros., although their delivery happened to have been made earlier before the picket got there, they called to ask me what it was all about, at the same time explaining to me that their

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Louis Madsen.)

drivers are union and they will not cross a picket line, if it is a picket line.

Mr. Hackler: May I have the last? I couldn't hear.

The Court: Keep your voice up. Read the answer.

(Answer read by the reporter.)

Q. (By Mr. Weil): Do your employees always come in the front door? [62] A. Yes.

Q. Are the pickets visible from inside the restaurant through your windows? A. Yes.

Q. Did the picketing have any influence on your employees, whether they came to work or not?

A. Yes, there are many questions——

Mr. Hackler: Objected to as calling for a conclusion of the witness. He can state what happened.

The Court: The objection is sustained. Reword it. He started to give you the proper answer, but technically the question is objectionable.

Q. (By Mr. Weil): Did any of your employees react to the picketing by not coming to work, or by coming to work late?

A. Yes. Some questioned whether they are permitted to come to work; others called the local to inquire whether this picket line barred them from entering my premises.

There were questions, also—whether this will be part of the answer, I don't know, but customers who came in were questioning why the place was

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Louis Madsen.)

picketed, when it was a union house, when all employees were union and the house establishment was union.

Mr. Weil: I have no further questions of this witness. [63]

Cross-Examination

By Mr. Hackler: [64]

* * *

Q. Does he still traverse the area of the sidewalk between the covering of the chute and the curbing, to your observation?

A. He crosses the—the curb is along here, and he crosses the area where if a delivery is being made he has to cross the picket line.

Q. As I understand it, the difference is he walked over the top of the chute before?

A. Originally they used to walk over.

Q. But now he walks out where the sun is showing here? [70] A. Yes.

Q. What direction is that?

A. Walking in this direction would be south, and walking in this direction would be north.

Q. Is it your testimony that he actually walks out on the sidewalk here but passed between the chute and the curb at the present time?

A. Yes. [71]

* * *

Q. (By Mr. Hackler): Going back, about how

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Louis Madsen.)

long before the picketing was it that Leggieri came to talk to you at your place of business?

A. It might have been a week or two weeks. I don't remember the date.

Q. You understood that similar visitations were made to other restaurants who were members of your Association, did you not?

A. They were made through our local union, our local Culinary Union advised us at that time, in view of the convention, union delegate convention coming to town, that we should change to a union laundry or subject ourselves to be picketed.

Q. But you learned not only from Leggieri, but also from the Culinary Union representing your own employees, in [74] advance of this picketing, that that picketing would likely take place if you didn't change your business to a unionized laundry; is that right?

A. That's right. [75]

* * *

Q. During this picketing, the first time during the convention, isn't it a fact that delivery men continued to use the chute in the sidewalk?

A. Yes.

Q. There wasn't a single delivery that didn't get delivered?

A. Yes, there was a single delivery that did not get delivered.

Q. Tell us about that, sir.

A. The Carnation Ice Cream Company driver

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Louis Madsen.)

tried to make a delivery; when he saw the picket line he turned around and brought the load back to the plant.

Q. Where would that normally have been delivered—through the chute or through the front door? A. Through the chute.

Q. Did the driver stop and get off, or see the picket and drive on?

A. This happened before I was there, and I can only go by the result, and that is I received a call from the company [86] manager telling me that the driver failed to make a delivery because of the picket line, and assured me that they will make a delivery somehow.

Q. Did they go ahead and make it?

A. They made the delivery.

Q. You told the Carnation Company that the picketing was not directed at stopping deliveries, did you not? A. Yes.

Q. Didn't you encourage them to verify that fact with the union?

A. Yes. By the same token, I encouraged R. C. Griffith to do the same thing, and they called the Central Labor Council—I am just repeating what one of their officials told me, that they cannot deliver unless they subject their drivers to a \$100 fine.

Q. That was some statement that was made by—

A. By a company official of R. C. Griffith.

Q. Of what some union official had told him?

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Louis Madsen.)

A. That is right.

Q. Let's get back to the Carnation delivery. After you talked to the Carnation people and told them to verify your statements, did they go ahead and send the delivery back?

A. Yes, they sent the delivery.

Q. The same driver, as far as you know?

A. No. A special driver. [87]

* * *

Q. Any other deliveries of merchandise either through the chute or through the front door, or back door, that were either delayed or not delivered at all while this picketing was going on, either the first or second picketing?

A. We had a parcel coming from a Broadway store in Los Angeles, and the driver was looking for the rear entrance to the restaurant; he wouldn't deliver through the front door because there was a picket there, and I assured him that this was not a real strike picket, and he finally went over and talked to the picket man, and he made the delivery through the front door. But if I hadn't interceded, the parcel would have gone back. [88]

* * *

General Counsel's Exhibit No. 2—(Continued)

JOHN WESLEY GRISINGER

called as a witness by and on behalf of the petitioner, having been first duly sworn, was examined and testified as follows:

The Clerk: Be seated, sir, and give us your full name.

The Witness: John Wesley Grisinger.

* * *

Direct Examination

By Mr. Weil:

Q. What is your address, Mr. Grisinger?

A. 4390 Atlantic Boulevard, Long Beach, California.

Q. Is that your business address?

A. That is my business address, yes.

Q. Do you have a restaurant located there at that address?

A. Yes. Another located at 1632 East Fourth Street.

Q. Are you engaged in the operation of these two restaurants?

A. Yes, in partners with my brother.

Q. Having reference to the restaurant on Atlantic Avenue——

The Clerk: Petitioner's Exhibit 5 marked. [93]

(The exhibit referred to was marked as Petitioner's Exhibit No. 5 for identification.)

The Clerk: Petitioner's Exhibit 6 marked.

General Counsel's Exhibit No. 2—(Continued)
(Testimony of John Wesley Grisinger.)

(The exhibit referred to was marked as Petitioner's Exhibit No. 6 for identification.)

Q. (By Mr. Weil): Showing you what has been marked as Petitioner's Exhibit 5 for identification, I will ask you if that is an approximation of the layout of your Atlantic Avenue restaurant.

A. It is.

Q. I am marking the corner of your lot on Atlantic Avenue as "A"; the corner on San Antonio Street "B," and the internal corner "C"; will you tell me what is the approximate distance from point "A" to point "C"?

A. Roughly I think 133 feet. I haven't measured that for some length of time. I don't quite remember that.

Q. That is the depth into the block from Atlantic Avenue that your lot goes?

A. I believe somewhere in that approximation.

Q. What is the depth into the block from San Antonio that your lot goes, the point, in other words, from "B" to "C"?

A. I believe about the same.

Q. I call your attention to the figure which is roughly drawn, which I shall mark "X," and ask you what that [94] is.

A. That is the restaurant itself.

Q. Is that restaurant approximately in the same scale as the rest of the map? A. Yes.

Q. Does that fit the rest of the map?

General Counsel's Exhibit No. 2—(Continued)
(Testimony of John Wesley Grisinger.)

A. Yes.

Q. A figure appears in the corner at "C," which I have marked "Y"; what does that figure indicate?

A. That indicates a store house and restaurant.

Q. In the space between the restaurant and the store house, is any use made of that space?

A. That is a parking lot area for customers. We have car service served by car hops, and customers who come on the inside, we have ample parking place for them.

Q. I have marked the corners of the restaurant "D" on the Atlantic Avenue side, "E" on the San Antonio Street side. I will ask you this: Is the space between "A" and "D" and the space between "E" and "B" open curbing over which cars pass in your parking lot?

A. There is a driveway in this area and over on this area, which is the Atlantic side, and one on the San Antonio side, approximately 20 feet entrance on each side.

Q. Is that the only entrance to the parking lot between "X" and "Y"? [95]

A. Yes.

Q. I will ask you to take the pen and mark the route followed by the pickets—was there picketing, first, at that place of business?

A. Yes, there was.

Q. During what period of time?

A. During the time the convention was held in

General Counsel's Exhibit No. 2—(Continued)
(Testimony of John Wesley Grisinger.)

Long Beach, the labor convention. That was some time in August.

Q. I will ask you to mark with a pen the route followed by the pickets.

A. Well, he picketed mainly from this point over here to this point here, completely the entire area, from one property line to the other property line.

Q. Entirely around the curb from A to B, is that correct?
A. Yes, sir.

Q. Is there any other way that people or trucks or cars can get into the lot than through the two entrances between—the entrance between A and D and the entrance between E and B?
A. No.

Q. Is there any entrance between A and C?

A. No.

Q. Or between C and B?
A. No. [96]

Q. Does your restaurant have a service entrance?

A. No, it does not.

Q. Where do the employees enter your restaurant?

A. Well, they can enter from—we don't have any specified place; they can either enter the front door or back door.

Q. Where is the back door located?

A. Here (indicating), which is around the service entrance where the car hops are. There is parking for car service along in this area here (indicating).

Q. I have put the figure "Z"; is that approxi-

General Counsel's Exhibit No. 2—(Continued)
(Testimony of John Wesley Grisinger.)

mately where the rear entrance is? A. Yes.

Q. Are the customer entrances at the front approximately in the places where the D and E appear in this diagram? A. Yes.

Q. When delivery men deliver supplies and equipment to this restaurant, where do they deliver them, where in the restaurant, to what door?

A. Well, they generally come to this back door, and we have a basement, we put some of the things in the basement downstairs. The other things we put out in the back door, back here, "Y."

Does that answer your question?

Q. I believe so. [97]

Do your suppliers generally drive their trucks into the lot to make deliveries?

A. Yes. They have to.

Q. Is parking permitted by the city on any point on Atlantic Avenue or San Antonio Street contiguous to your property?

A. No, sir; it is all red line all the way around.

Q. Thank you.

Mr. Weil: I would like to offer Petitioner's 5.

The Court: It will be received.

(The exhibit referred to was received in evidence and marked as Petitioner's Exhibit No. 5.)

Q. (By Mr. Weil): Showing you Petitioner's 6 for identification, I will ask you whether this appears to be a diagram of your restaurant on East

General Counsel's Exhibit No. 2—(Continued)
(Testimony of John Wesley Grisinger.)

Fourth Street. A. It does.

Q. The space which is marked with a figure 10, I will ask you is that approximately 10 feet across?

A. Yes.

Q. Is that space used for anything?

A. Yes; a driveway for customers to drive out. This happens to be in the middle of a block. There is an apartment house on this side and a store building on this side, and this 10 feet is where the customers can drive out. This is also a parking lot for customers. [98]

We have car service in this area also. This is the main entrance that they drive into our place of business and this is where they can circle and drive out.

Q. Is there any fencing or curbing or anything cutting off your lot from the alley?

A. No, sir.

Q. Will you take my pen and draw across that map the route followed by the pickets?

A. Is this assuming a street or sidewalk?

Q. Assuming this in front of the block as Fourth Street.

A. From the property line to this property line over here, this entire area.

Q. Did the picket there walk across an entrance on this side? A. Yes.

Q. That would be to the west? A. Yes.

Q. I have put in the compass mark, is that correct? A. Yes.

General Counsel's Exhibit No. 2—(Continued)
(Testimony of John Wesley Grisinger.)

Q. And they walk across the exit on the east side, is that correct? A. Yes.

Q. Is this exit marked in such a way that it is not used as an entrance? [99]

A. That's right, it is.

Q. What sort of markings?

A. Well, it is marked as Exit on the side of the building, as I recall.

Q. Can you tell me, is there a service entrance there that the employees use in that restaurant?

A. The employees can use either entrance; they can either come in the front door or the back door. Some come in one and some the other.

Q. Where is the front door?

A. The front door is in this cove right here, right at this point here.

Q. Would you put the letter "F" there to identify the place you have marked?

A. (Witness does as requested.)

Q. Where is the back door?

A. (Witness marking on exhibit.)

Q. Would you put the letter "B" for back door?

A. (Witness does as requested.)

Q. Are your employees permitted to park on your parking lot there? A. Yes, they are.

Q. Do they, do you know?

A. Yes, they do.

Q. Do you know whether they enter through the entry at [100] the front of the Fourth Street side of your property?

General Counsel's Exhibit No. 2—(Continued)
(Testimony of John Wesley Grisinger.)

A. They can. It is optional.

Q. There is no rule either way?

A. No rule either way.

Q. Do you know whether, in fact, they do?

A. I think some come in one way and some another.

Q. How about delivery men, where are deliveries made to this restaurant?

A. Back door, normally.

Q. Are any deliveries made from the front door?

A. The normal delivery would be through the back door. The only one—we would say a person who didn't know the place would come to the front door, a parcel post man or something of that kind.

Q. Do you know whether delivery men drive in through the entry on Fourth Street or come down the alley, or what?

A. They come down the entrance at Fourth Street.

Mr. Weil: I would like to offer Petitioner's 6 for identification.

The Court: It will be received.

(The exhibit referred to was received in evidence and marked as Petitioner's Exhibit No. 6.)

Q. (By Mr. Weil): Have you had any conversation or conference with any representatives of either the Teamsters local or the Laundry Workers local that are parties to this [101] proceeding,

General Counsel's Exhibit No. 2—(Continued)
(Testimony of John Wesley Grisinger.)

to your knowledge? A. No, sir.

Q. Have you ever been called on by Mr. Leg-
gieri? A. No, sir.

Q. Are your employees represented by any
union?

A. The Culinary Union of Long Beach.

Q. Do you have a bar or liquor service in either
of the two restaurants you operate?

A. No, sir.

Q. Do you purchase linen service?

A. Yes, sir.

Q. From whom? A. Southern Service.

Q. For how long have you been purchasing linen
service from Southern Service?

A. Since my father started in 1923, we have been
taking from them ever since.

Q. Do you have knowledge whether the picketing
of either of your restaurants has resulted in the
stopping of any supplies that have been delivered
to your restaurant, or holding up supplies being
delivered to your restaurant? A. Yes.

Q. At which restaurant?

A. The Fourth Street restaurant and Atlantic
Avenue, both of them. [102]

Q. Referring specifically to the Fourth Street
restaurant, can you tell me on what occasions the
picketing affected your deliveries there?

A. Yes. Burr Bros. Meat Company refused to
make delivery.

Mr. Hackler: What is that name?

General Counsel's Exhibit No. 2—(Continued)
(Testimony of John Wesley Grisinger.)

The Witness: Burr Bros., B-u-r-r.

Q. (By Mr. Weil): When was that, sir?

A. That was probably the first day of the picketing. The first or second day.

Q. August 13th or 14th?

A. Yes, sir, those two days in there.

Q. Did anyone else refuse to make deliveries, or were any other deliveries stopped at that restaurant that you know of?

A. Douglas Bros. didn't make a delivery that day. That is a vegetable company. They called up and said that they refused to make delivery, they couldn't make it because there was a picket line.

Q. Do you know of any other occasions at that restaurant?

A. No, sir.

Q. Referring now to the Atlantic Avenue restaurant, were any deliveries held up or not made there because of the picketing, to your knowledge? [103]

A. Yes. Burr Bros. said that they could not make delivery, and refused to make delivery, and we needed the merchandise so my brother got into his car and went down and got the merchandise from them.

* * *

Cross-Examination

By Mr. Hackler: [104]

* * *

Q. You knew before the pickets appeared that

General Counsel's Exhibit No. 2—(Continued)
(Testimony of John Wesley Grisinger.)

these unions had in mind picketing some of the restaurants that the delegates might visit, did you not?

A. Only through our local Culinary Union representative.

Q. You had spoken to him before the pickets appeared, had you not?

A. No; he had spoken to me regarding the matter.

Q. As a matter of fact, he tried to get you to switch to a unionized laundry service, didn't he?

A. What he said, in effect, was this: He said if we did not change—he asked me, first, what laundry we used. I told him Southern Service. He said, "I want to warn you if you don't change, that you will have a picket line on your place of business."

I said, "Is that a threat?"

And there was quite a long wait, and he waited and said, "Well, I just want to warn you."

I said, "I take that as a threat, then."

Q. Isn't it a fact that he went on and told you that that picket line would not be for the purpose of calling his members off the job at all?

A. He did not. [105]

* * *

Q. Who did you talk to before the pickets appeared that you knew pickets were going to appear?

A. I didn't know they were going to appear. I was warned they would appear if I didn't change laundries.

General Counsel's Exhibit No. 2—(Continued)
(Testimony of John Wesley Grisinger.)

Q. Who made that threat to you? [106]

A. Dave Shultz.

Q. And who is Mr. Shultz?

A. He is the field representative with the Culinary Union.

Q. Was that at one of your places of business?

A. Yes.

Q. And he coupled that with an appeal to request you to change to union laundry service?

A. He didn't make an appeal. He just threatened me.

Q. He said, "If you don't change, you are liable to have picket lines"? [107]

* * *

Q. It is your testimony that you were not aware of any effort to confer with you by Mr. Leggieri or any other representatives of these picketing unions? A. That is right.

Q. The first thing you knew, the pickets appeared? A. That's right.

Q. What time of morning did they appear?

A. They called me out of bed and said there were pickets in front of our place of business.

Q. What time of day was that?

A. Approximately 8:00 o'clock in the morning.

Q. How long did they remain in front of your two establishments? A. Five days.

Q. Were they there all day long for the five days?

General Counsel's Exhibit No. 2—(Continued)
(Testimony of John Wesley Grisinger.)

A. They were for the first day, they were there all day long.

Q. Both places? A. I believe so.

Q. Did you personally inspect them at both places? A. Yes.

Q. They were there all day long beginning at 8:00 o'clock in the morning, is that right?

A. I believe the first day they were. [111]

Q. Until how late in the afternoon?

A. Until around 6:00 or 7:00 o'clock.

Q. What time do your employees first go to work in the morning? A. Around 7:00.

Q. The rest of the week did they confine their picketing to meal times?

A. They came in at various times.

Q. Were those, roughly, meal times, sir?

A. Not necessarily. They came in at different times.

Q. Tell us when they picketed to your observation after the first day.

A. After the first day?

Q. Yes.

A. Some time between 12:00 and 2:00, and they would come back again at 5:00 to 6:00.

Q. Did they picket on Saturday at all of that week? A. No.

Q. Just Monday through Friday?

A. Monday through Friday. [112]

General Counsel's Exhibit No. 2—(Continued)
(Testimony of John Wesley Grisinger.)

Q. What effect did it have on your employees?
Did any of them leave their job?

A. They called me in the morning and asked me whether they should work or not. I told them it was up to them. When I came in, they asked me whether they should continue to work. I told them it was up to them, it was their decision.

Q. Did any of them walk off the job?

A. No. They said they didn't have any beef with me and they were going to stay on the job. [117]

* * *

Q. You understood it was to cut down your customers, or get you to change your linen service?

A. No. It was a picket line.

* * *

Q. What is the fact with respect to their failure to deliver that you refer to? How did it come to your attention, first?

A. They called us up.

Q. Some official there?

A. Yes.

Q. What did he say?

A. He said they couldn't make a delivery because there was a picket line at our place.

Q. Which place was that?

A. Atlantic Avenue. [127]

Q. What time?

A. Around 11:00 or 12:00 o'clock.

Q. What did you say to him?

A. I said, "Okay, we will come and get it ourselves."

General Counsel's Exhibit No. 2—(Continued)
(Testimony of John Wesley Grisinger.)

Q. Did you explain to him that you understood the picket line was directed toward your customers only?

A. At that time we didn't understand that at all.

Q. Was that the first day of the picketing?

A. Yes, sir.

Q. You went to the establishment and picked up the merchandise?

A. My brother did. [128]

* * *

Q. You mentioned the Burr Bros. were involved in an incident at your other location; was that a separate incident? A. Separate incident.

Q. How did that come about?

A. The driver refused to go through.

Q. Did you see him refuse? A. No, sir.

Q. You heard that from someone else?

A. From an employee. [129]

Q. Was that the first day of the picketing?

A. Yes, sir.

Q. What did you do then?

A. What did I do?

Q. Yes.

A. There wasn't anything that I could do. [130]

* * *

General Counsel's Exhibit No. 2—(Continued)
(Testimony of John Wesley Grisinger.)

Redirect Examination

By Mr. Weil:

Q. What hours is your restaurant open on Atlantic Avenue?

A. 7:00 in the morning for business.

Q. Until how late in the evening?

A. 1:00 o'clock during the week and 2:00 o'clock on week-ends.

Q. The same hours at Fourth Street?

A. Yes. That is 2:00 o'clock a. m.

Q. From 7:00 until 2:00 in the morning?

A. Yes, sir.

Q. Do the same employees work through that entire period of time? A. Hardly.

Q. When—— A. We have two shifts.

Q. When does the second shift come in?

A. Normally around 4:30. [132]

* * *

EDWARD J. GRAHAM

called as a witness by and on behalf of the petitioner, having been first duly sworn, was examined and testified as follows:

The Clerk: Be seated, sir, and give us your full name.

The Witness: Edward J. Graham.

The Clerk: G-r-a-h-a-m?

The Witness: Yes.

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Edward J. Graham.)

Direct Examination

By Mr. Weil:

Q. Where do you live, Mr. Graham?

A. 319 Elm in Long Beach.

Q. Where do you work?

A. I work for Grisinger's Drive-In on Fourth Street.

Q. What do you do there?

A. I am a cook.

Q. Calling your attention to a period in August of this year, 1956, when there was picketing going on, do you recall an incident when Burr Bros.' truck came to deliver some meat during that picketing? A. When they came to deliver?

Q. Yes, do you recall?

A. There was a couple of times that they came to deliver, but they didn't bring it in, we had to go out and get [133] it and bring it in off the truck.

Q. Do you know who the delivery man was?

A. Yes.

Q. What is his name?

A. I only know his first name. Allan.

Q. Al? A. Al, yes.

Q. Where did he park his car?

A. On the alley. And the dishwasher and I went out to get the meat.

Mr. Hackler: I can't hear. I am sorry.

The Court: Keep your voice up.

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Edward J. Graham.)

(Answer read by the reporter.)

Q. (By Mr. Weil): How did you know he was out there with the meat?

A. He honked his horn, and she looked out and told me that he was out there with the delivery.

Q. Did you have any conversation with him at the time you brought the meat in?

A. Yes. We always talk.

Q. Did you ask him to bring the meat in?

A. No. He said he didn't want to get a fine, that they might fine him if he brought it in.

Q. On how many occasions did you carry the meat in like that? [134]

A. I think it was two or three. I forget.

Q. Did you speak to any of the pickets yourself?

A. Yes, sir, I spoke to one of the guys there that was walking the picket line. He had a shirt on like I had, and I just talked to him and asked him where he got it, you know, and he told me. And then I asked him what he was doing there on the picket line, what were they striking for. And he said he didn't know.

And I said, "What do you mean, you don't know"?

And he told me that he didn't belong to the Laundry Union, that he belonged to the Janitors Union.

I said, "What has that got to do with you"?

And he said, "Nothing."

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Edward J. Graham.)

Q. Can you estimate how far it is from the restaurant in which you work to the convention hall?

A. I don't know. I imagine it would be about a mile.

Q. Have you ever walked that distance?

A. Yes.

Q. Did you ever walk from the restaurant to the convention hall? A. Yes.

Q. How long does it take you to walk there?

A. I don't know. I guess I can walk there in 10 or 15 minutes.

Q. Do you know where Atlantic Avenue is? [135]

A. Yes.

Q. Do you know about how far that is from the convention hall?

A. About five or six miles.

Q. Are you a member of any union?

A. Yes.

Q. What union?

A. The local in Long Beach.

Q. What union? A. Culinary Union.

Q. Prior to the picketing, were you informed by your union that there was going to be any picketing?

A. No, I didn't know anything about it. I just came to work one morning and there they were. I got there about 7:00. They came about 7:00, and there they were, and I was wondering what it was

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Edward J. Graham.)

all about, so I talked to him what it was about, and——

The Court: Keep your voice up.

Q. (By Mr. Weil): Is that the conversation you spoke of before? A. Yes.

Q. Was there anything else to that conversation that you can recall?

A. No. I talked to the fellow about the shirt deal, and he said that he didn't belong to that union but he was out [136] of work, and he said that the Laundry Union called up the Janitors Union and asked if they had anybody that wasn't working, to send them over and they would pay them for walking that picket line for them, and he was getting so much an hour, I think he told me it was a buck and a quarter an hour for walking the picket line, and he needed the money because he was out of work and he had a wife and kid to support, so he took the job.

Mr. Weil: I have no other questions of this witness.

Cross-Examination

By Mr. Hackler:

Q. Mr. Graham, you worked at that time at the Fourth Street restaurant? A. Yes, I did.

Q. How long had you been a member of the Culinary Union? A. About a year.

Q. What? A. About a year.

Q. Will you hold your voice up, please.

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Edward J. Graham.)

A. A couple of years.

Q. When you saw the picket there the first morning that it came to your attention, did you cease work? A. No. [137]

Q. Did you, or as far as you know, any of your fellow employees make any effort to get a hold of the owner of the business, or the manager, to find out——

A. They already knew about it. There was no sense calling them, because they knew about it, because the Atlantic Avenue store opens before we do. [138]

* * *

ALLEN R. RUSSELL

called as a witness by the petitioner, having been first duly sworn, was examined and testified as follows:

The Clerk: Give us your full name.

The Witness: Allen R. Russell.

The Clerk: A-l-l-e-n?

The Witness: Yes.

The Clerk: R-u-s-s-e-l-l?

The Witness: Yes.

Direct Examination

By Mr. Weil:

Q. What is your address, Mr. Russell?

A. 309 West 31st.

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Allen A. Russell.)

Q. By whom are you employed?

A. Burr Bros. Meat Company.

Q. What do you do for Burr Bros.?

A. Drive a truck.

Q. What do you do with your truck?

A. Pardon?

Q. What do you do with your truck, where do you drive [142] it?

A. Deliver to restaurants.

Q. Do you deliver to Grisinger's restaurant on Fourth Street in the normal course of your route?

A. Yes.

Q. Do you recall an incident during August of this year, 1956, when you delivered to Grisinger's on Fourth Street and saw a picket sign?

A. Well, the first time the picket line was up, I delivered from the alley; I delivered down on Belmont Shores, I come down Broadway and came in the alley and made the delivery, and then went out the front way, and the picket line was out in front then.

Mr. Hackler: May I have the last answer read?

(Answer read by the reporter.)

Q. (By Mr. Weil): Did you speak to the picket? A. No, I didn't.

Q. Was there more than one picket there?

A. I think there was two or three. I am not sure.

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Allen A. Russell.)

Q. Did you thereafter make any deliveries while there were pickets at that restaurant?

A. From the alley, yes.

Q. What did you do, specifically?

A. Well, nobody really said anything to me about it, and I had only been driving for a little while, so I just made [143] the delivery from the alley. I would honk the horn and they came out to get the meat. I didn't know if I would get a fine or not for going through a picket line.

Q. Did you ask anyone whether or not to cross that picket line?

A. Well, I asked my boss about it, more or less, and he said he would let me know. He said he would phone up and find out for me about it.

Q. Did you cross that picket line at any time while it was up? A. After that once?

Q. Yes. A. I only went through it once.

Q. Do you normally make deliveries to Grisinger's other restaurant on Atlantic Avenue?

A. No, I don't.

Q. Were you told, given any information by any official of your union concerning that picket line?

A. No, I wasn't.

Mr. Weil: I have nothing further of this witness.

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Allen A. Russell.)

Cross-Examination

By Mr. Hackler:

Q. Mr. Russell, I think you said that you first delivered down the alley and then crossed the picket line leaving [144] out through the front entrance, is that correct? A. Yes.

Q. And that subsequently you continued to deliver down the alley? A. Yes.

Q. And on those occasions you turned around and went back out the alley, I presume?

A. Right.

Q. I understood you to say that you told your employer about this picket line, is that correct?

A. That's right.

Q. And that he said that he would check with the union and find out what it was all about?

A. That is the way I recall it. It has been so long ago I really don't remember, but that is the way I recall it.

Q. Did your employer report anything back to you?

A. I don't remember. It was just something that I forgot about it.

Q. You just continued delivering down the alley and avoiding the picket line?

A. Yes. If the picket line wasn't there, I would go ahead and make the delivery.

Q. Do I understand, though, that during the

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Allen A. Russell.)

time that the pickets were there, you continued to deliver down the alley? [145] A. Right.

Q. And except for the first time, you avoided crossing the picket line by going back out the alley?

A. The first time before I knew anything about it, I went through it going out, but not coming in, because I entered from the alley and I didn't even know they were out there.

Q. Is that the usual way to enter from the alley?

A. That is the way I have been delivering. When I have the Belmont Shore district to deliver.

Q. What union are you a member of?

A. Teamsters Union.

Q. What local of the Teamsters Union?

A. I don't remember the number. I have only been with them a couple of months.

Q. You have just been on the job a couple of months?

A. I have been on the job for quite a while, but only been driving a few months.

Q. Is that the Teamsters local in Long Beach?

A. Yes.

Q. You don't happen to know any of your officials' names, do you? A. No, I don't.

Q. During the time that these pickets were there, did any person claiming to represent your local tell you that you [146] ought not to cross this picket line? A. No. [147]

General Counsel's Exhibit No. 2—(Continued)

HARLEY R. SCHAEFER

called as a witness by and on behalf of the petitioner, having been first duly sworn, was examined and testified as follows:

The Clerk: Be seated, sir, and give us your full name.

The Witness: Harley R. Schaefer.

The Clerk: Spell your first name.

The Witness: H-a-r-l-e-y.

The Clerk: And your last name?

The Witness: Schaefer, S-c-h-a-e-f-e-r.

Direct Examination

By Mr. Weil:

Q. What is your address, Mr. Schaefer?

A. Pardon?

Q. What is your address?

A. 10262 Hackamore Road, Garden Grove.

Q. By whom are you employed? [152]

A. Carnation Company.

Q. What do you do for the Carnation Company?

A. I drive an ice cream truck on an ice cream run.

Q. Keep your voice up, please. It is difficult to hear you.

Is Madsen's Restaurant on American Avenue in Long Beach on your ice cream route?

A. Yes, sir.

Q. Do you make deliveries at Madsen's?

A. Yes, sir.

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Harley R. Schaefer.)

Q. Do you recall an occasion during August, 1956, when you encountered pickets at Madsen's?

A. I do.

Q. Will you tell us what happened?

A. I got there about 9:00 o'clock in the morning, and as usual I opened the two iron doors, went down below and checked the cabinets to see how much merchandise I should leave. I turned around and went out, and as I came up the chute, up the ladder by the chute, I saw these two pickets come around the corner off the Ocean Boulevard side of the restaurant. I went to my truck and started to take in some ice cream, and a bread man came along and asked me if I was going to deliver, and I said I figure I will. And he said, "Well, you must have more hundred dollars than I do." So I, in turn, turned around and threw the ice cream back on the [153] truck and went down to my next stop and called the plant.

Q. Had you been informed prior to this by your union, or by any union representatives, that there was going to be an advertising line there?

A. No, sir.

Q. Had you been informed there was going to be any kind of picketing? A. No, sir.

Q. Were you ever instructed by your union, or any union, that you should cross the picket line there?

A. As far as I know, I am not supposed to cross a picket line.

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Harley R. Schaefer.)

Q. Did you make any other deliveries at Madsen's, or attempted deliveries at Madsen's while they were picketing?

A. Yes, sir, I made delivery there the next day, the Thursday following that first day, and also on Saturday.

Q. Did you have any conversation with the picket?

A. The first day I believe it was I asked him if it was okay to deliver, and he said he didn't know, that he had been hired to walk the picket line; and also I asked him if their captain was around, and he said he was over eating lunch. So I decided that I would not deliver.

Mr. Weil: I have nothing further from this witness. [154]

Cross-Examination

By Mr. Hackler:

Q. Mr. Schaefer, I believe it is your testimony that upon your return from this first visit to Madsen's, that you spoke to your company?

A. Yes, sir.

Q. And then I believe you said that the rest of the week you went ahead and delivered?

A. Yes, sir.

Q. Did you learn through your company that the picket line had no application to you?

A. That's right. I learned about 3:30 of the after-

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Harley R. Schaefer.)

noon of the first day that I could either serve or didn't have to.

Q. When did you then make a delivery?

A. On the following Thursday.

Q. So that I am clear, the reason that you failed to make your delivery the first time you were there was you had the conversation with a bread truck driver, is that correct? A. That's right.

Q. And he expressed the opinion that there might be a fine involved? A. That's right.

Q. Did any picket there tell you not to deliver?

A. No, sir. [155]

Q. The picket told you simply that he was a hired picket, is that correct?

A. That is right.

Q. And that his captain was over eating lunch or breakfast, is that right? A. Yes.

Q. What local are you a member of?

A. Local 572, Long Beach.

Q. Where does it have headquarters?

A. Long Beach.

Q. That is the Long Beach Teamsters local?

A. Teamsters and Cab Drivers Union. [156]

* * *

Q. I will withdraw the question and rephrase it.

In the course of your duties, have you ever had occasion to come up to a picket line and go to a telephone and call them and find out if it had any application to you?

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Harley R. Schaefer.)

A. Only on that one occasion.

Q. On that occasion did you call your own union?

A. Yes.

Q. Who did you speak to there?

A. I didn't get ahold of either of the fellows in charge of the union, so later on in the day as I was going around my route I went up to the union hall and I asked Mr. Culpepper, I believe his name was.

Q. He told you it was perfectly all right to go ahead and serve that restaurant? A. No, sir.

Q. What did he tell you?

A. He told me not to go across the line.

Q. What was his name?

A. Mr. Culpepper.

Q. What union is he with?

A. Local 572. [157]

Q. Can you give us the substance of your conversation with Mr. Culpepper?

A. Well, I asked him if he knew anything about this picket line down around Madsen's Restaurant, and he said he knew there was one there, but he said he didn't know what it was there for.

I asked him if it was all right if I was to make a delivery, and he said, "No, sir, you are not supposed to go across the line."

Q. Was that the whole conversation with him?

A. That was. [158]

General Counsel's Exhibit No. 2—(Continued)

MICHAEL R. CALLAHAN

called as a witness by and on behalf of the petitioner, having been first duly sworn, was examined and testified as follows:

The Clerk: Be seated, sir, and give us your full name.

The Witness: Michael R. Callahan.

The Clerk: Would you spell your last name?

The Witness: C-a-l-l-a-h-a-n.

Direct Examination

By Mr. Weil:

Q. What do you do for a living, Mr. Callahan?

A. I am the executive secretary of the Bartenders Union, Long Beach.

Q. What union is that, what local?

A. Local 686.

Q. What is the jurisdiction of Local 686?

A. It includes Long Beach, Lynwood, Compton, and all of Orange County.

Q. Do you represent the bartenders at Jack's Corsican Room? A. Yes; I do. [159]

Q. Do you represent the bartenders at any other of the restaurants that were picketed?

A. I think there was two other places, the Gyro Room on Ocean Avenue, and the Star Dust on First Street.

Q. Do you represent their employees?

A. Yes.

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Michael R. Callahan.)

Q. Prior to the picketing which began on August 13th, were you informed there was going to be picketing at that time? A. Yes; I was.

Q. By whom?

A. I knew about the action that was to take place from the central Labor Council meeting that we had in Long Beach when the State Federation of Labor withdrew their forthcoming convention for the City of Long Beach due to the fact that the invitation had been protested by the Teamsters Union, the Laundry Workers Union, and Operating Engineers.

Q. Is that how you learned that there was going to be picketing on August 13th at these restaurants?

A. No. At a subsequent meeting where officials of the executive board of the Long Beach Owners Association, the Culinary Union, the Bartenders Union of Long Beach, and the Teamsters Union and the Laundry Workers Union had a meeting at the Lafayette Hotel, and also members of the Long Beach Convention Bureau were at that meeting. [160]

Q. When was this meeting?

A. This was about six months prior to the convention.

Q. Did you learn at that meeting that there was going to be picketing on August 13th at these restaurants?

A. Well, at that meeting it was pointed out——

Q. Just answer yes or no. A. Yes.

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Michael R. Callahan.)

Q. You did learn that there would be picketing at these restaurants on August 13th?

A. Not specifically those restaurants, but at some restaurants.

Q. Did you learn that there would be picketing specifically at any restaurant, on August 13, 1956?

A. Restaurants that were using nonunion laundry.

Q. On the morning of August 13, 1956, did you know what restaurants were going to be picketed prior to the start of the picketing? A. No.

Q. Did you inform any employees of any restaurants, prior to the morning of the 13th, that their restaurant would be picketed on the morning of the 13th of August? A. No. [161]

* * *

RICHARD J. SELTZER

called as a witness by and on behalf of the respondents, having been first duly sworn, was examined and testified as follows:

The Clerk: Be seated, sir, and state your full name.

The Witness: Richard J. Seltzer, S-e-l-t-z-e-r.

* * *

Cross-Examination

By Mr. Weil:

Q. Mr. Seltzer, you stated that you instructed various persons to take no action concerning what

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Richard J. Seltzer.)

you term an advertising picket line. Precisely whom did you instruct, did you give those instructions to?

A. My other business representatives.

Q. Anyone else?

A. No. The girls in the office.

Mr. Weil: I have no further questions.

* * *

ELMER JOSEPH PERKINS

called as a witness by and on behalf of the respondents, having been first duly sworn, was examined and testified as follows:

The Clerk: Be seated, please, and give us your full name.

The Witness: Elmer Joseph Perkins.

The Clerk: Elmer Joseph Perkins?

The Witness: Yes. P-e-r-k-i-n-s. [200]

Direct Examination

By Mr. Hackler:

Q. Where do you live, Mr. Perkins?

A. In Long Beach.

Q. What is your occupation?

A. I am the business representative of Local 692.

Q. Of what union?

A. General Truck Drivers Union, Local 692.

Q. That is a different local union from Mr. Seltzer's local, is that correct?

A. That is correct.

General Counsel's Exhibit No. 2—(Continued)
(Testimony of Elmer Joseph Perkins.)

Q. And both of them function in the Long Beach area, however? A. That is correct.

Q. The jurisdiction of your local extends to what type of workers?

A. General heavy truck driving and grocery hauling, and other types, warehousing work. [201]

* * *

Q. Did it come to your attention prior to that convention at all that there might be some picketing of restaurants in the Long Beach area?

A. I had heard rumors to that effect.

Q. Did you have any definite information concerning whether there would or would not be picketing at restaurants?

A. No; I didn't have at the time.

Q. During the time of the convention it came to your [202] attention that picketing was taking place at some restaurants, did it not?

A. That is correct.

Q. How did that come to your attention?

A. Two employers that we have contractual relations with called in, including a couple of members.

Q. What firms were those employers?

A. Cuttings Wholesale Grocery, and Davis La-grande. [203]

* * *

General Counsel's Exhibit No. 2—(Continued)

JOHN LEGGIERI

called as a witness by and on behalf of the respondents, having been first duly sworn, was examined and testified as follows:

The Clerk: Be seated, sir, and give us your full name.

The Witness: John Leggieri, L-e-g-g-i-e-r-i.

Direct Examination

By Mr. Hackler: [205]

* * *

Q. In the course of visiting these some thirty restaurants, did you get some of them to change over to a unionized linen service?

A. Yes, sir; quite a few.

Q. Did that continue right up to Friday before the [221] Monday before the convention?

A. Yes, sir; right through.

Q. Did you have any assistance in getting these restaurants to switch their business to a union laundry?

A. Yes; help from the other unions that possibly knew, maybe, the owner a little better than I did, and that type of assistance.

Q. Were you the person that actually established the picket lines on the day the convention opened?

A. Yes; I was in charge.

Q. When did you know the places that you were

General Counsel's Exhibit No. 2—(Continued)
(Testimony of John Leggieri.)

going to place the picket lines, how late was it before the convention, how long before?

A. Actually, right up until office closing time Friday night, because there were a few that were in that area that to my knowledge had not changed, and I waited for telephone conversations or telephone calls from some of these operators that I had been working with, that I had been discussing it with and talking to them, and they didn't say definitely that they wouldn't change, but they wanted to think about it; and actually up until Friday night I wasn't sure who was going to get the lines. [222]

* * *

Q. Did you give any instructions to these pickets that you set up?

A. Yes; they all received the same instructions.

Q. What were they?

A. First of all, the pickets got my personal card with a Hemlock number that we had a phone installed in the headquarters where I was at, and we told them that we didn't want the pickets to talk to anyone, and that if anyone came out from the establishment or from the street, or a driver, or anyone else, to talk to them, to be polite but to just hand them my card and ask them if they would call that number. [223]

Q. Where is your office that you usually work out of?

General Counsel's Exhibit No. 2—(Continued)
(Testimony of John Leggieri.)

A. 846 South Union Avenue, Los Angeles.

Q. In Los Angeles? A. Yes.

Q. Do I understand that in connection with this convention picketing you people installed a telephone in the Long Beach area?

A. Yes. We headquartered in the meeting hall of Local 692, which is at 1314 Elm. We had a telephone installed there for the one-week period.

Q. With a Hemlock number?

A. With a Hemlock number.

Q. Was it on your card that you gave to the pickets? A. I wrote it on my card.

Q. Was someone in attendance at that telephone during all of that picketing?

A. Yes, sir; someone was in attendance from 7:00 in the morning until 11:00 at night, and a couple of nights until midnight.

Q. Did you stay down in Long Beach during that week? A. Yes; I stayed there.

Q. Did the person or persons manning the telephones have any instructions as to how they should answer inquiries? A. Yes, they did.

Q. What were those instructions? [224]

A. We expected—the telephone, the reason for its installation is we expected some of these restaurants that had the lines put on them to call us to find out what it was all about, and what other information they wanted to know. And those were the type of calls that we received, actually, and

General Counsel's Exhibit No. 2—(Continued)
(Testimony of John Leggieri.)

they would tell us that they would like the lines withdrawn and they would change to a union house, and then I dispatched a runner out there to take the lines off; and anyone who was on the phone, that was his instructions, and mainly—I mean, if it was possible that I was not out checking lines, to turn it over to me because I was in charge, but that is what the instructions were.

Q. Did you spend a part of your time checking lines? A. Yes.

Q. The person on the phone, this special phone that you had installed, did any inquiries come in from drivers or employees or employers asking whether or not this picket line was designed to call people off the job? A. Did any calls come in?

Q. Did any calls come in of that character as to whether or not the picket line meant that one was supposed to cease work?

A. No. We did have some calls from individuals who would not identify themselves and were trying to lead us to believe that they were union people, but we couldn't put any [225] stock in it, because they wouldn't say who they were, and we told them all the same story, that these were strictly advertising lines. [226]

* * *

Q. What was the reason for telling the pickets not to speak to people who came up to them, but to hand them this card you have described?

General Counsel's Exhibit No. 2—(Continued)
(Testimony of John Leggieri.)

A. We have had experiences with picketing, and it was our intention to conduct this picketing this week on a peaceful basis, we didn't want any difficulties, and we felt that the best way to do it would be not to have the picket, man or woman, say anything to anyone, but just to be polite, because we found sometimes, if you will notice some of these places with bars, we would run into difficulty with people who came out with drinks, and one word would lead to another, and we didn't want that to happen. In fact, we took great precautions not to let that happen. [229]

* * *

Q. Did any of them switch during the picketing?

A. During the week of the convention?

Q. Yes. [234] A. Yes.

Q. Were the pickets taken down?

A. Immediately. [235]

* * *

Cross-Examination

By Mr. Weil:

* * *

Q. With reference to your testimony concerning the picket sign which appeared at the Galley Restaurant, that picture shows only one side of the picket sign; is it the same on both sides?

General Counsel's Exhibit No. 2—(Continued)
(Testimony of John Leggieri.)

A. Yes; they were placed back to back. Both sides were the same.

Q. Can you tell me, does the name of both picketing unions appear on both sides?

A. Yes; Local 52 at one end, at the bottom, and Local 28 at the other end.

Q. You used the same picket sign in all?

A. The same, we use, yes.

Mr. Weil: That is all.

Redirect Examination

By Mr. Hackler:

Q. Is the Southern Services about the only remaining nonunion linen service in this area?

A. Yes.

* * *

Received December 11, 1956. [238]

United States Court of Appeals
for the Ninth Circuit

No. 15947

NATIONAL LABOR RELATIONS BOARD,

Petitioner,

vs.

LAUNDRY, LINEN SUPPLY & DRY CLEAN-
ING DRIVERS LOCAL No. 928, aff/w IN-
TERNATIONAL BROTHERHOOD OF
TEAMSTERS, CHAUFFEURS, WARE-
HOUSEMEN AND HELPERS OF AMER-
ICA, AFL-CIO; LOCAL No. 52, LAUNDRY
& DRY CLEANING WORKERS INTERNA-
TIONAL, AFL-CIO,

Respondents.

PETITION FOR ENFORCEMENT OF AN
ORDER OF THE NATIONAL LABOR RE-
LATIONS BOARD

To the Honorable, the Judges of the United States
Court of Appeals for the Ninth Circuit:

The National Labor Relations Board, pursuant to
the National Labor Relations Act, as amended (61
Stat. 136, 29 U.S.C., Secs. 151, et seq.), hereinafter
called the Act, respectfully petitions this Court for
the enforcement of its order against Respondents,
Laundry, Linen Supply & Dry Cleaning Drivers
Local No. 928, affiliated with International Brother-
hood of Teamsters, Chauffeurs, Warehousemen and

Helpers of America, AFL-CIO ; Local No. 52, Laundry & Dry Cleaning Workers International, AFL-CIO, their officers, representatives, agents, successors, and assigns. The proceeding resulting in said order is known upon the records of the Board as "Laundry, Linen Supply & Dry Cleaning Drivers Local No. 928, affiliated with International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO ; and Local No. 52, Laundry & Dry Cleaning Workers International, AFL-CIO, and Southern Service Company, Ltd.," Case No. 21-CC-238.

In support of this petition the Board respectfully shows :

(1) Respondents are labor organizations engaged in promoting and protecting the interests of its members in the State of California within this judicial circuit where the unfair labor practices occurred. This Court therefore has jurisdiction of this petition by virtue of Section 10 (e) of the National Labor Relations Act, as amended.

(2) Upon due proceedings had before the Board in said matter, the Board on September 25, 1957, duly stated its findings of fact and conclusions of law, and issued an Order directed to the Respondents, their officers, representatives, agents, successors, and assigns. On the same date, the Board's Decision and Order was served upon Respondents by sending a copy thereof postpaid, bearing Government frank, by registered mail, to Respondents counsel.

(3) Pursuant to Section 10 (e) of the National Labor Relations Act, as amended, and pursuant to Rule 34 (7) (a) of this Court, the Board is certifying and filing with this Court a certified list of all documents, transcripts of testimony, exhibits and other material comprising the entire record of the proceeding before the Board upon which the said Order was entered, which includes the pleadings, testimony and evidence, findings of fact, conclusions of law, and the Order of the Board sought to be enforced.

Wherefore, the Board prays this Honorable Court that it cause notice of the filing of this petition and transcript to be served upon Respondents and that this Court take jurisdiction of the proceedings and of the questions determined therein and make and enter upon the pleadings, testimony and evidence, and the proceedings set forth in the transcript and upon the order made thereupon a decree enforcing those sections of the Board's said order, which relate specifically to the Respondents herein, and requiring Respondents, their officers, representatives, agents, successors, and assigns to comply therewith.

NATIONAL LABOR
RELATIONS BOARD,

/s/ THOMAS J. McDERMOTT,
Associate General Counsel.

Dated at Washington, D. C., this 18th day of March, 1958.

[Endorsed]: Filed March 24, 1958.

[Title of Court of Appeals and Cause.]

STATEMENT OF POINTS UPON WHICH
PETITIONER INTENDS TO RELY

In this proceeding the National Labor Relations Board will urge and rely on the following points:

1. The Board properly found that respondents, with the object of compelling neutral employers to cease doing business with another person, induced or encouraged employees to engage in a concerted refusal to perform services, thereby violating Section 8 (b) (4) (A).

2. The Board's order is valid and proper.

NATIONAL LABOR
RELATIONS BOARD,

By /s/ THOMAS J. McDERMOTT,
Associate General Counsel.

Dated at Washington, D. C., this 18th day of March, 1958.

[Endorsed]: Filed March 24, 1958.

[Title of Court of Appeals and Cause.]

CERTIFIED LIST OF THE NATIONAL
LABOR RELATIONS BOARD

The National Labor Relations Board, by its Executive Secretary, duly authorized by Section 102.84, Rules and Regulations of the National Labor Rela-

tions Board, Series 6, as amended, hereby certifies that the list set forth below constitutes a full and accurate transcript of the entire record of a proceeding had before said Board, entitled, "Laundry, Linen Supply & Dry Cleaning Drivers Local No. 928, affiliated with International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, AFL-CIO; and Local No. 52, Laundry & Dry Cleaning Workers International, AFL-CIO, and Southern Service Company, Ltd.," Case No. 21-CC-238 before said Board, such transcript includes the pleadings and testimony and evidence upon which the order of the Board in said proceeding was entered, and includes also the findings and order of the Board.

General Counsel's Exhibits:

1-A through 1-G, inclusive.

Stenographic transcript of testimony taken before Trial Examiner Wallace E. Royster on December 17, 1956.

Copy of Trial Examiner Royster's Intermediate Report and Recommended Order, dated January 23, 1957.

General Counsel's exceptions to the Intermediate Report received February 15, 1957.

Copy of Decision and Order issued by the National Labor Relations Board on September 25, 1957.

In Testimony Whereof, the Executive Secretary of the National Labor Relations Board, being there-

unto duly authorized as aforesaid, has hereunto set his hand and affixed the seal of the National Labor Relations Board in the city of Washington, District of Columbia, this 18th day of March, 1958.

[Seal] NATIONAL LABOR
RELATIONS BOARD,

/s/ FRANK M. KLEILER,
Executive Secretary.

[Endorsed]: Filed March 24, 1958.

[Title of Court of Appeals and Cause.]

ANSWER TO PETITION FOR ENFORCE-
MENT OF AN ORDER OF THE NATIONAL
LABOR RELATIONS BOARD

To the Honorable, the Judges of the United States
Court of Appeals for the Ninth Circuit:

Comes Now respondents, Laundry, Linen Supply & Dry Cleaning Drivers Local No. 928 and Laundry and Dry Cleaning Workers Local No. 52, and in answer to the Petition in the above-entitled action allege as follows:

I.

Respondents admit the allegations contained in paragraph I.

II.

Respondents admit the allegations contained in paragraph II.

III.

Respondents deny that at any time pertinent herein they engaged in any acts or conduct in violation of the National Labor Relations Act, as amended.

Wherefore, respondents pray this Honorable Court deny the Petition for Enforcement of the Board order in the above-entitled case.

STEVENSON & HACKLER,

By /s/ CHARLES K. HACKLER.

Dated at Los Angeles, California, this 29th day of April, 1958.

[Endorsed]: Filed April 30, 1958.

[Endorsed]: No. 15947. United States Court of Appeals for the Ninth Circuit. National Labor Relations Board, Petitioner, vs. Laundry, Linen Supply & Dry Cleaning Drivers, Local 928, etc., et al., Respondents. Transcript of Record. Petition for Enforcement of an Order of the National Labor Relations Board.

Filed April 30, 1958.

/s/ PAUL P. O'BRIEN,

Clerk of the United States Court of Appeals for the Ninth Circuit.

